

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15411 of 2021

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Shashi Ranjan Kumar Pandey Son of Ganesh Pandey Resident of Narayan Shree Apartment, Flat No. 104, Near Himgiri Chowk, Anandpuri, West Boring Canal Road, Patna presently posted as Superintending Engineer Flood Control and Drainage Circle, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department Government of Bihar, Patna.
2. The Secretary Water Resources Department Government of Bihar, Patna.
3. The Assistant Chief Secretary General Administration Department Govt. of Bihar, Patna.
4. The Joint Secretary of Govt. Water Resources Department, Government of Bihar, Patna.
5. The Under Secretary of Government Water Resources Department Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 14-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That this writ application is being filed for issuance of an appropriate writ/writs order or orders in the Nature of certiorari for quashing the letter being Resolution No. 740 dated 02.08.2021 issued under the signature of Joint Secretary of Government Water Resources Department Patna respondent



No. 4 wherein and whereunder the respondent No. 4 has initiated departmental proceeding under Rule 17 of Bihar C.C.A. Rule 2005 against the petitioner without appreciating the fact that for some set of the charges the petitioner has already given punishment vide Resolution No. 1775 dated 10.08.2015 under Bihar C.C.A. Rule 2005 and also the after lapse of more than 20 years of the occurrence the said departmental proceeding issued against the petitioner which is bad in law and fit to be set aside further for any other appropriate relief or reliefs for which the petitioner is entitled from the facts and circumstances of the case.”

3. Petitioner’s grievance is relating to charge memo dated 02.08.2021. Under Article 226 of the Constitution, writ cannot be entertained in respect of the challenge to the charge memo unless and until it is issued by an incompetent authority or in violation of any statutory rule as held by Apex Court in the case of ***Union of India and Another Vs. Kunisetty Satyanarayana*** reported in **(2006) 12 SCC 28** and further in the subsequent decision in the case of ***Secretary, Ministry of Defence and Others Vs. Prabhash Chandra Mirdha*** reported in **(2012) 11 SCC 565**

4. Accordingly, the present petition stands dismissed, reserving liberty to the petitioner to submit a detailed reply/explanation to the charge memo if it is not already furnished. The disciplinary authority is hereby directed to take note of each of the contention stated in the explanation and proceed further in accordance with the relevant provision of law.



The enquiry proceedings shall be completed within a period of six months from the date of receipt of this order.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

