

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.219 of 2019

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Pankaj Kumar Jha S/o- Late Kamal Narayan Jha, District Co-Operative Officer, Supaul, District- Supaul, presently under Suspension and, the then District Co-operative Officer, Bhagalpur, holding additional charge of Managing Director, the Bhagalpur Central Co-operative Bank, Ltd., Bhagalpur, District- Bhagalpur, Permanent resident of Village and Post-Chakauti, P.S. Nanpur, District Sitamarhi, Presently under custody at Beur Central Jail, Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna, Old Secretariat, Patna
2. The Additional Chief Secretary, Department of Co-operative, Govt. of Bihar, Patna, Vikas Bhavan, Baily Road, Patna.
3. The Joint Secretary-cum- Registrar, Cooperative Societies, Department of Co-operative, Govt. of Bihar, Patna, Vikas Bhawan, Baily Road, Patna.
4. The Deputy Secretary, Department of Co-operative (vigilance), Govt. of Bihar, Patna, Vikas Bhavan, Baily Road, Patna
5. The Departmental Enquiry Commissioner, Bihar, Patna-cum- the Enquiry Officer.
6. The Special Officer (Consumer)-cum- Presenting Officer, Department of Co-operative, Govt. of Bihar, Patna, Vikas Bhawan, Baily Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s	:	Mr. Uday Shankar Sharan Singh- GP-19
		Mr. Swapnil Kumar Singh, AC to G.P.-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-09-2023 Heard Mr. Purshottam Kumar Jha learned counsel for the petitioner and Mr. Swapnil Kumar Singh, learned AC to G.P.-19.

2. The prayer is for grant of following reliefs:-

(1). To hold and declare that the action of the Respondents concerned in initiating the Departmental



Proceeding (Enquiry), in pith and substance, on the basis of Charge Sheet, which has been filed against the petitioner in connection with the C.B.I. Special Case No. 9 of 2017, and, directing/compelling the petitioner to participate in the said departmental proceeding, file his defense / written statement of defense, that too, without supplying the evidences mentioned in the "Memo of Charge, Prapatra -Ka" (Annexure-7) & while the petitioner being under custody, is not at all in position to participate / defend / represent his case, in accordance with the provisions of Bihar Govt. Servants (Classification, Control & Appeal) Rules, 2005, is violative of Principles of Natural Justice, illegal, arbitrary, malafide, malicious, discriminatory and unsustainable in the eye of law and on facts both, and tantamount to the violation of the Article 14 and 16 of the Constitution of India.

(ii) For Issuance of an Order, direction or a Writ in the nature of Mandamus commanding the Respondents concerned, to Stay the Departmental (Enquiry) Proceeding, which has been initiated vide Resolution of the Govt. of Bihar (in respect of co-operative department) as contained in Memo No. 3413 dated 10.10.2018. (Annexure - 6) till the conclusion of the Criminal Case being Spl. Case No. 9/2017, arising out of C.B.I. RC Case



No. 15/2017.

(iii) For grant of any other relief or relieves to which the petitioner may be found entitled to in the facts and circumstances of this case.

3. It has been fairly submitted by Mr. Jha that since he is out of jail and is cooperating in Departmental Proceeding the writ for the present has become infructuous. However, he submits that he has some grievance which he will be presenting before the appropriate authority by way of representation. It is submitted that earlier also, he has represented before the authority.

4. The State has no objection to it.

5. In view of the said submissions put forward by the learned counsel for the petitioner, the writ petition stands disposed of with liberty to the petitioner to approach the appropriate authority with fresh representation incorporating the earlier representation. The petitioner is free to incorporate any or every document which he wants that should be part of his representation.

(Rajiv Roy, J)

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