

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20390 of 2013

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Satya Narayan Mahto S/O Late Babulal Mahto Resident Of B-89, Ashokpuri,
Khajpura, P.S. - Shastrinagar, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Building Construction Department, Government Of Bihar, Patna
3. The Deputy Secretary Vigilance, Road Construction Department, Government Of Bihar, Patna
4. The Engineer In Chief Cum Additional Commissioner Cum Special Secretary, Building Construction Depa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Adv.
For the Respondent/s : Mr. Ashok Kumar Keshri, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 23-01-2023

1. The petitioner has prayed as under:

“(I) That through the instant writ application petitioner is invoking his constitutional right conferred upon him by Article 226 of the Constitution of India against the illegal, unwarranted and arbitrary action of respondent authorities in initiating departmental proceeding against the petitioner in the guise/grab of the order of this Hon’ble court passed in C.W.J.C. No. 4145 of 2012 dated 03/05/2012. the said action of the respondent authorities is mechanical and without application of mind resulting into the implication of



petitioner in an illegal departmental proceeding on absurd and vague charges. In this regard petitioner prays for following relief(s):-

(a) For issuance of writ in the nature of certiorari for quashing resolution contained in memo dated 26/06/2013 issued under the signature of Deputy Secretary (Vigilance), Road Construction Department, Government of Bihar in respect of initiation of departmental proceeding against the petitioner.

(b) For issuance of writ in the nature of certiorari for quashing the “memo of charges” dated 21/06/2013 which has been served upon the petitioner along with the aforesaid memo dated 26/06/2013 and in furtherance of this to quash the entire departmental proceeding initiated and proceeded against the petitioner. The imputation of petitioner in the said departmental proceeding is based on vague and absurd charges without taking judicial pronouncement in right perspective more so without even considering that the petitioner was performing his quasi judicial function as a Disciplinary Authority.

(c) And/Or any other relief/reliefs, direction/directions for which the petitioner is entitled to in the facts and circumstances of the



instant case.”

2. Since, no interim order was passed, the inquiry having being continued, no purpose would be served in examining the charge-sheet at this stage.

3. No new order has been placed on record. By efflux of time, the present writ petition has been rendered infructuous and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 59

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