

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11154 of 2021

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Manoj Kumar Son of Late Chandeshwar Rajak, resident of Mohalla - Sandalpur, near Sanichara Mandir, P.O.- Mahendru, P.S.- Sultanganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Road Construction Department, Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
4. The Director, Administration, Municipality cum Special Secretary, Urban Development and Housing Department, Bihar, Patna.
5. The Special Secretary, Road Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhu Nath Pathak, Advocate
For the Respondent/s : Mr.Uday Shankar Sharan Singh (GP-19)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-11-2023 The present writ petition has been filed
seeking the following relief:-

"1.That by this application, the petitioner is invoking the writ jurisdiction of this Hon'ble Court in the nature of Certiorari for quashing the letter No. 927 dated 12.02.2021 issued by the Road Construction Department, Bihar, Patna whereby and whereunder a fresh departmental inquiry for the same charge has been initiated, however, the petitioner has already been exonerated in previous enquiry



by the Inquiry Commissioner-cum-Secretary, Bihar Human Right Commission on 09.09.2020. However, the fresh or second inquiry on the same charge is not permissible in eye of law.

Notwithstanding, the decision for fresh inquiry on the same charge has been taken by the Road Construction Department vide letter No. 927 dated 12.02.2021 issued by the Road Construction Department, Bihar, Patna but the said letter or decision has not been communicated to the Petitioner by the Road Construction Department and as such, the Petitioner is not able to place the said letter dated 12.02.2021 of Road Construction Department, Bihar, Patna in this writ petition.

The petitioner further invokes the writ jurisdiction of this Hon'ble Court for directing the disciplinary authority i.e. Road Construction Department to take decision in the departmental proceeding on Enquiry Report dated 09.09.2020 submitted by Enquiry Commissioner cum Secretary, Bihar Human Rights Commission, Bihar, Patna as contained in Annexure-7."

2. At the outset, the learned counsel for the



petitioner fairly submits that during the pendency of the present writ petition, an order of punishment dated 05.09.2023 has been passed by the Joint Secretary to the Government, Road Construction Department, Government of Bihar, Patna, hence the petitioner be granted liberty to challenge the same. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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