

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21694 of 2013

Shiv Jee Sah @ Shivjee Sah Son Of Ram Khelawan Sah Resident Of Village-
Kamraon, Police Station- Dalsingsarai, District- Samastipur, At Present
Posted As Upper Divisional Clerk, Sub Division Office, Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Samastipur
2. The Sub Divisional Officer, Rosara, Samastipur
3. The District Supply Officer, Samastipur
4. The Block Development Officer, Patory, Samastipur
5. The District Accounts Officer, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 06-02-2023 Nobody appears on behalf of the petitioner.

A counter affidavit has been filed.

Petitioner by way of this writ petition assails the fresh
enquiry conducted by the respondents.

It is alleged that earlier an enquiry/departmental
proceeding was initiated and the enquiry report was submitted,
however, without any hindrance, a fresh enquiry has been
conducted.

The respondents filed their counter and have stated
that the earlier enquiry report, which was sent to the District
Accounts Officer, was not found in their Office in spite of
search conducted at all levels, therefore, a fresh enquiry was
conducted and in the fresh enquiry too, the allegations were
found true against the petitioner.



Learned counsel for the respondents submits that there is allegation of defalcation of accounts by the petitioner for which an FIR has been registered against him.

Keeping in view thereto, learned counsel submits that interference is warranted.

I have considered the submissions and the facts above, the prayer made by the petitioner not to continue the fresh departmental enquiry is found to be wholly misconceived and the law even allows a *de novo* enquiry to be conducted by the authorities.

In the present circumstances as noticed, since the earlier enquiry report was not concealed. The principle of natural justice demanded that a fresh enquiry be conducted which has been done. Consequences of the said enquiry would have necessary to follow.

No interference is warranted.

The writ petition is devoid of merit and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Brajesh Kumar/-
Item no.51

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