

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9121 of 2022

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Ritesh Kumar @ Jaicky Son of Late Tarkeshwar Pandey, Resident of Village-Afjalpur, P.O.-Chakmaranji, P.S.-Vaishali O.P. Belsar, District-Vaishali at present Resident of Village-Khabra, Dinkar Nagar Mina Tola, P.O.-Khabra, P.S.-Sadar, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer in Chief, Public Health Engineering Department, Bihar, Patna.
3. The Regional Chief Manager, Public Health Engineering Department, Muzaffarpur Zone, Muzaffarpur, Bihar.
4. The Superintendent Engineer, Public Health Engineering Department, Muzaffarpur Circle, Muzaffarpur, Bihar.
5. The Executive Engineer, Public Health Engineering Department, Motipur Division Motipur, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Satish Kumar Sinha, Advocate Mr.Sadanand Paswan, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, in the present case, is seeking the following
reliefs:-

“(A) A writ in the nature of certiorari or any other appropriate writ order/orders, direction/directions quashing the following:-

(i) Order dated 07.05.2022 contained memo no. 415 issued under the signature of Superintending Engineer Public Health Engineering Muzaffarpur Circle Muzaffarpur suspending the petitioner and initiating the departmental proceeding against him (Annexure-1) to the petition.



(B) A writ in the nature of mandamus or any other order/orders direction or directions for commanding the respondent for the following:-

(i) To treat the order contained in Annexure.... To the petition is nonest in the eye of law.

(ii) To dispose of the application dated 24.05.2022 given by the petitioner to the Regional Chief Engineer respondent no. 3 (Annexure-8) forthwith.

(iii) To direct the respondents to give the footage of CCTV Camera of Kaji Mohammadpur Police Station dated 08.03.2022 to the petitioner.

(iv) To revoke the suspension of the petitioner and collusion him to join his duty forthwith.

(v) To give the full salary to the petitioner for his suspension period.

(vi) To exonerated the petitioner from the charges of departmental proceeding.

(vii) To keep pending departmental enquiry till the disposal of Kaji Mohhadpur P.S. Case No. 70/2022.

(C) To any other relief/reliefs for which the petitioner is entitled too.”

Learned counsel for the petitioner submits that he has filed representations as contained in Annexure ‘7’ and ‘8’ of the writ application before the concerned authorities and a direction may be issued to them to consider the representations of the petitioner and pass a reasoned order thereon within a reasonable period.

Learned counsel for the State submits that a departmental proceeding has been initiated against the petitioner vide office order no. 26 dated 07.05.2022 (Annexure ‘6’ to the writ application).



Having regard to the submissions noted hereinabove and the materials available on the record, this court directs the respondents to consider the representation of the petitioner as contained in Annexure ‘7’ and ‘8’ of the writ application within a period of three months from today and pass a reasoned order thereon in accordance with the applicable service rules.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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