

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.156 of 2018

Md. Blaghuddin S/o Late Gholam Arif, R/o Vill.- Manorwa, P.O.- Sohma,
P.S.- Bithan, District- Samastipur, at present posted as District Supply Officer,
Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, General Administration Department, Govt. of Bihar,
Patna.
3. Learned Lokayukta Institution, Bihar through its Secretary, Bailey Road,
Patna.
4. The District Magistrate, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s	:	Mr.Md. N.H. Khan- SC1
	:	Ms. Babita Kumar, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 08-08-2023

1. The present petition has been filed seeking the
following relief :-

*“(i) For issuance of an appropriate Writ(s)/
Direction(s)/ Order(s) to restrain the learned
Lokayukata (Resp. No.- 02) to proceed
further in Complain No. 1/Lok (Panchayat)
29/2011 (Mathura Prasad Singh Vs The
District Magistrate, Vaishali) against the
petitioner, as the General Administrative
Department, Govt. of Bihar, Patna has
already conducted the enquiry against
petitioner from the Commissioner, Tirhut
Division, Muzaffarpur, in the same matter as*



per the order/direction of this Hon'ble Court and after proper enquiry in department proceedings, nothing has been found against the petitioner and petitioner has been exonerated in the proceeding.”

2. At the outset, the learned counsel for the respondent- State has submitted by referring to the counter affidavit, filed on behalf of respondent no. 4, which is dated 06.02.2023, that the disciplinary authority has closed the file pertaining to allegations levelled against the petitioner, upon having found the allegations levelled against the petitioner to be of administrative nature as also having found the allegations to have not been proved. In such view of the matter, it is admitted by the respondents that the Complaint case bearing ***Complain no. 1/Lok (Panchayat) 29/11 (Mathura Prasad Singh v. The District Magistrate, Vaishali)***, pending before the learned Lokayukta, Bihar, Patna has lost its efficacy.

3. At this juncture, the learned counsel for the petitioner has also submitted that the initiation of proceedings by the learned Lokayukta, Bihar, Patna is also barred under ***Section 29(5)(a)(b) of the Bihar Lokayukta Act, 2011***, inasmuch as the petitioner has been exonerated of all the charges levelled against him vide resolution dated 22.07.2015,



issued under the signature of the Additional Secretary, General Administrative Department, Government of Bihar, Patna.

4. Having regard to the aforesaid facts and circumstances of the case, this Court is of the view that since the allegations levelled against the petitioner by the State Government have not stood proved and moreover, the petitioner has also been exonerated vide the aforesaid resolution dated 22.07.2015, the proceedings, pending before the learned Lokayukta, Bihar, Patna has lost its efficacy. In such view of the matter, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2023
Transmission Date	NA

