

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.905 of 2018

Ambika Choudhary Son of late Bhadai Choudhary Resident of Village - Karmaini Khurd, P.O. - Maidhara, P.S. - Bikramganj, District - Rohtas Sasaram at present Choudhary Residency, Kusumpuram Colony near Leeds Asian School, Bailey Road, P.O. - Danapur Cantt., District - Patna - 801503.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Joint Secretary to the Government, Bihar, Patna.
4. The Special Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
6. The Superintending Engineer-cum-Conducting officer, Drafting Bridge, Rural Works Department, Bihar,
7. The Superintending Engineer, Rural Works Department, Works Circle - 2, Sasaram, Bihar.
8. The Executive Engineer, Rural Works Department, Works Division - 2, Ara, Bihar, Patna.
9. The Assistant Engineer-cum-Presenting Officer, Rural Works Division - 2, Ara, Bihar, Patna.
10. The Special Works Officer of Rural Works Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Manish Kumar, AC to AAG6

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 03-01-2023 Heard learned counsel for the petitioner and the State.

Pursuant to the order of this Court dated 22.7.2017
(Annexure 12), passed in LPA No. 49 of 2017, petitioner had
preferred appeal before the the Appellate Authority, i.e., the
Secretary, Rural Works Department, Government of Bihar



(respondent no.1) which was dismissed vide order dated 18.12.2017 (Annexure 13).

From perusal of the memo of appeal, it appears that the petitioner has not made out any ground as to how his case is similar to that of his senior officer, namely, Ram Bilash Sharma, who was awarded lesser punishment. Defence of the petitioner is that since his senior officer has been awarded lesser punishment, therefore, he should also be given similar treatment.

While dismissing the appeal, the Appellate Authority has stated that at the relevant time the petitioner was working as Junior Engineer in the department and he has been found guilty of excess entry of the work. It has been observed that being Junior Engineer it was the duty of the petitioner to enter correct measurement of the work done in the measurement book. The Appellate Authority has specifically held that the entry of work in question in the measurement book is the main responsibility of the petitioner and not of his senior officer, as such, severe punishment awarded to him is justified.

Considering the fact that the petitioner has not made out a case showing similarity with the case of his senior officer who has been awarded lesser punishment as also the fact that



the Appellate Authority has given ample reasoning for upholding the punishment order, I do not find any merit in the writ petition. It is dismissed accordingly.

(Prabhat Kumar Singh, J)

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