

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.763 of 2023

Phani Bhushan Son of Late Ram Balak Singh Resident of Village- Rupas Mahajee Police Station- Salimpur, District- Patna. At present posted as Laboratory Attendant (Head Quarter) in the Office of Joint Director (Chemistry) Soil Testing Bihar Patna Mithapur Agriculture Farm, Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Agriculture Production Commissioner cum Secretary, Department of Agriculture, New Secretariat, Patna.
2. The Director of Agriculture, Agriculture Building, Mithapur Farm, Patna.
3. The Joint Director (Chemistry), Soil Testing Laboratory Bihar Patna Mithapur Agriculture Farm, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Chandra Sen Prasad Singh, Advocate
For the Respondent/s : Mr.Sanjay Kumar, AC to SC 15

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the State has informed this Court that no action has been taken pursuant to the letter no. 1333 dated 25.10.2022 and letter no. 1341 dated 01.11.2022 as contained in Annexure '1' and '3' respectively.

Learned counsel for the State submits that in the last part of the letter, as contained in Annexure '3', though it is stated that why the petitioner be not transferred by way of punishment but he will advise the competent authority that there cannot be a transfer by way of punishment.

It is further submitted that so far as the issue of



initiation of departmental proceeding is concerned, as the same has yet not been initiated, the petitioner has no cause of action.

Learned counsel for the petitioner has though tried to impress upon this Court that malafide action is being taken against the petitioner at the instance of some persons having vested interest against whom the petitioner is fighting and that the authority, who has issued the show cause notice, has not issued any written instruction which may be said to have been violated by the petitioner, this Court is of the considered opinion that this argument shall remain open for consideration if any disciplinary proceeding is initiated against him for the reasons mentioned in the show cause notice.

With the aforesaid observations, this writ application is disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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