

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15885 of 2012

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Jai Prakash Jha S/o Sri Dhananjay Jha R/o Mohalla- Madhopur, P.S.- Kotwali,
District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through, Registrar General, Patna High Court, Patna
2. District And Sessions Judge, Munger
3. Judge Incharge Administration, Civil Court, Munger
4. Chief Judicial Magistrate, Jamui
5. Sub-Judge I Cum Additional Chief Judicial Magistrate, Jamui
6. Sub-Divisional Judicial Magistrate, Jamui
7. Sachiv, Vidhi Vibhag, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Ajay Kumar, AC to -GP14

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 29-11-2024

None appears for the petitioner. Registry was directed to issue notice to the petitioner in the light of the fact that Advocate on Record, Mr. Kamal Kishore Jha is stated to have died but it was returned undelivered. In order to know the subject matter of the litigation, this Court has taken the assistance of the respondents.

2. In the instant petition, petitioner has prayed for the following relief(s):-

*"A. A writ in the nature of
certiorari or any other appropriate
writ/writs, order/orders,
direction/directions, quashing the order as*



4761 dated communicated through Memo no.- 30.07.2012 issued under the signature of In-charge Judge In-charge Administration, Munger, Informing the petitioner that his appeal against the order of punishment dated 14.03.2008 before the Hon'ble Court has been dismissed and consequently affirming the order no. - 36 (M) dated 14.03.2008 passed by District and Sessions Judge Munger, Punishing the petitioner by stopping one increment permanently and ordering the Judge In-charge Accounts, Munger to enter the same in to his service book and the order no 45 (M) dated 01.06.2010 passed by the District & Sessions Judge, Munger dismissing the petitioner's review petition.

B. A writ in the nature of Mandamus Commanding the respondents to act in accordance with law.

C. Any other reliefs to which the petitioner is found entitled to."

3. Annexure-2 is the charge-memo dated 26.07.2003 and it reads as under:-

"Office of the District and Sessions Judge,
Munger

Dated the 26th July, 2003

CHARGES

I, Hemant Kumar Srivastava, District and Sessions Judge, Munger Charge you Sri Jai Prakash Jha, Sheristedar, Sub Judge-I-Cum-ACJM, Jamui as follows;

Whereas you while acting as Sheristedar of Sub Judge-I-cum-ACJM, Jamui does not work properly and sincerely as a result of that the progress of the cases have hampered in the Court of Sub Judge-I-cum-ACJM, Jamui,



And whereas you were you were not punctual and xxxxxx did not pay heed over the direction and instruction of the court,

And whereas for the aforesaid negligence, you were found prima facie negligent in discharge of official duties and for the aforesaid latches the progress of the cases in the court have hampered,

You are therefore, directed to file your show cause before the Enquiry Officer as to why you should not be dealt with suitably and punished for the aforesaid negligence in discharge of official duties within a fortnight and to face enquiry before the Enquiry Officer.

Hemant Kumar Srivastava

26.07.2003

District and Sessions Judge, Munger."

4. The charge itself is very vague and it does not contain ingredients of charge. Hon'ble Supreme Court in the case of **Kumaon Mandal Vikas Nigam Limited vs. Girja Shankar Pant and Ors.** reported in **(2001) 1 SCC 182** considered how the charge was required to be framed and in the absence of ingredients of charge the charges framed are not tenable. Minimum ingredient is allegation read with date and other materials. On the other hand, reading of the aforementioned charge it is crystal clear that one cannot draw inference on what date petitioner has alleged to have committed misdeeds or disobeyed the orders of his superior even there is no iota of dates and events on what date petitioner was given instruction by his superiors and he has disobeyed the instructions of the superiors. On this sole ground, the petitioner has



made out a case. Accordingly, impugned orders dated 30.07.2012 (Annexure-12) and 14.03.2008 (Annexure-9) are set aside.

5. The concerned authority is hereby directed to regulate the petitioner's services in accordance with law and proceed to calculate the monetary benefits and disburse the same within a period of six months from the date of receipt of this order.

6. With the above observations, the present writ petition stands allowed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

