

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18011 of 2015

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Md. Gulzar, Son of Late Md. Shamshuddin resident of village Raja, P.O. and
P.S. Manigachhi, District Darbhanga. The then resident of Mohalla Domaria,
Alkapuri, P.O. Anisabad, P.S. Gardanibag, District Patna.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, P.H.E.D. Public Health Engineering Department, Patna.
2. Accountant General, Bihar, Patna.
3. Special Officer PHED, New Secretariat, Patna.
4. Executive Engineer, P.H.E.D. Mechanical Division, Veterinary College Campus, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Shahnawaz Ali, Advocate
For A.G.	:	Mr. Ram Kinker Choubey, Advocate
For the Respondent/s	:	Mr. Ravi Ranjan, AC to SC-22

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

Date : 13-12-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

*“I. A writ, order and direction in the
nature of certiorari for quashing of letter vide its
no. 537 dated 22.09.2015 issued by Principal
Secretary, PHED, Patna whereby and where under
it is directed that Rs. 2,04,824/- be recovered from
the P.P.O. No. 201111034345 of the petitioner, be
issued.*

II. A writ, order and direction in the



nature of mandamus for directing and commanding respondent A.G., Bihar, Patna not to recovered the amount of Rs. 2,04,824/ from the pension P.P.O No. 201111034345 of the petitioner, be issued.*

III. Any other writs, orders and directions as the petitioner is entitle to.”

2. The petitioner in support of the challenge to the impugned order of penalty, he has not apprised this Court with any legal lacuna in the disciplinary proceedings. On the other hand, he argued on merits of the case to the extent that charges framed and recovery is not supported by material. This Court cannot undertake a judicial review like appellate authority/revisional authority. This Court can interfere only if there are any legal lacuna to the extent of violation of any regulation or violation of principles of natural justice. Petitiioner's counsel has not argued any legal contention. Therefore, this Court cannot interfere in respect of disciplinary proceedings read with the punishment in the light of the Hon'ble Supreme Court decision in the case of ***State of Karnataka and Another Versus Umesh***, reported in ***(2022) 6 Supreme Court Cases 563***. The principle laid down in the aforementioned Judgment to the limited extent that if there is violation of



principles of natural justice or violation of any statutory regulation, in such event only, the Courts can interfere, otherwise judicial review in a departmental proceedings is impermissible.

3. Accordingly, instant Writ petition dismissed.

(P. B. Bajanthri, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.12.2024
Transmission Date	NA

