

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1848 of 2018

In
Civil Writ Jurisdiction Case No.12386 of 2014

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Vijay Kumar Upadhyay S/o Ram Ishwar Upadhyay Resident of Mohalla Parshuram Colony, P.S. Kumhrar, Town and District Patna, Presently posted as Executive Officer, Kankarbagh, Anchal, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Its Chief Secretary, Government Of Bihar, Patna and Ors
2. Sri Anjani Kumar Singh, The Chief Secretary, Government of Bihar, Patna.
3. Sri Amir Subhani, The Principal Secretary, General Administrative Department, Government of Bihar,
4. Sri Daya Nidhan Pandey, The Additional Secretary, General Administrative Department, Government of
5. Sri Jitendra Srivastava, The Commissioner-cum-Enquiry Officer, Magadh Division, Gaya.
6. Sri Kaushal Kumar, The District Magistrate, Nawada.
7. Sri Rudra Kumar Prasad, The Land Acquisition Officer-cum-Presenting Officer, Nawada.
8. Sri Shishir Sinha, The Bihar Public Service Commission Jawahar Lal Nehru Marg, Patna through its Secretary

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	None
For the Opposite Party/s	:	Mr. Suman Kumar Jha, AC to AAG-3
For the BPSC	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kr. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 28-02-2024 No one appears on behalf of the petitioner though Mr. Suman Kumar Jha, learned AC to AAG-3 is present.

2. The present petition has been preferred for compliance of the order dated 04.04.2018, passed in CWJC No. 12386 of 2014.



3. The order of the writ Court was as follows:

“16. In the present case, only on the basis of enquiry report of S.D.O. the Enquiry Officer has held the charges to be proved. He did not even consider the explanation of petitioner with respect to such charges and even the Presenting Officer opined that explanation of petitioner is worth acceptable still the Enquiry Officer found the charges to be proved.

17. The finding of Enquiry Officer in holding that charges against the petitioner is proved is not sustainable either in fact or in law and as such, the enquiry report as well as order of Disciplinary Authority based on such perverse enquiry report is quashed. Petitioner is entitled for all consequential benefits.

18. The writ petition stands allowed.”

4. As per the show cause on behalf of the opposite party Nos. 03 and 04 vide memo No. 23512 dated 29.12.2023, the Special Secretary, General Administrative Department has



withdrawn the memo No. 15342 dated 27.11.2018 after the dismissal of the LPA No. 1324 of 2018. In that view of the matter, this Court is satisfied that the order has been complied.

5. MJC No. 1848 of 2018 stands disposed of.

(Rajiv Roy, J)

Adnan/-

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