

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.559 of 2021

In
Civil Writ Jurisdiction Case No.22251 of 2018

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1. The State of Bihar Through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
 2. The Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
 3. The Additional Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
 4. The Divisional Commissioner, Purnea.
 5. The District Magistrate, District- Kishanganj.
 6. The Deputy Director, Food and Consumer Protection Department, Purnea Division, Purnea.
 7. The Director, District Rural Development Agency, District- Kishanganj.
 8. The District Supply Officer, District- Kishanganj.
 9. The Sub Divisional Officer, District- Kishanganj.
 10. District Land Acquisition Officer, District- Kishanganj.
 11. The Sub Divisional Police Officer, District- Kishanganj.

... .. Appellant/s

Versus

Upendra Prasad Mandal S/o Late Zamadar Mandal Resident of Near Marriage Hall, Rajni Chowk, P.O. and P.S.- K. Hatt, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vishwambhar Prasad (A.C. To A.A.G .5)
For the Respondent/s	:	Mr. Y.V. Giri, Senior Adv. Mr. Sanjay Kumar Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

12 12-12-2024

The present L.P.A. is hopelessly drafted and filed. The learned Single Judge has come to the conclusion that it is a case of no evidence.



2. The alleged allegation is relating to recovery of certain amount of money for which necessary direct or corroborative evidence is required. Who has given the complaint that appellant was in possession of illegal money and how such trap proceedings or raid has been conducted? In the absence of relevant material evidence, it is a case of no evidence. The learned Single Judge has rightly taken a view that it is a case of no evidence or lack of evidence. The appellants have raised preliminary objection to the extent that the respondent had remedy of appeal before the appellate authority and it has been answered that in a case of perverse evidence, one need not exhaust such a remedy of appeal. In the case of lack of evidence in a departmental inquiry, the same cannot be adjudicated before the appellate authority in the absence of necessary material. The respondent is not in a position to prefer effective appeal before the appellate authority in the absence of findings on the alleged charge. In the present case, complainant or informant and other raiding



parties have not been cited as witness and they were to be cited as witnesses and they have to be examined and respondent is entitled for cross examination. These are the lacunas in the present case. Moreover, at every stage in initiation and conclusion of inquiry, there are lapses on the part of authorities in not adhering to the relevant disciplinary Rules or Regulations.

3. In view of these facts and circumstances, the appellants have not made out a case so as to interfere with the order of the learned Single Judge dated 01.12.2020, passed in CWJC No. 22251 of 2018.

4. Hence, present L.P.A. No. 559 of 2021 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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