

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13228 of 2012

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Manoranjan Prasad Son Of Late Chatarbhuja Roy Resident Of Village
Mirapur, P.S. Sakra District Muzaffarpur Petitioner/s
Versus

1. The State Of Bihar
2. The Principal Secretary, Agriculture Dept. Govt. Of Bihar, Patna
3. The Director, Agriculture Dept. Govt. Of Bihar, Patna
4. The Joint Director Agriculture, Agriculture Department Darbhanga Division,
Darbhanga
5. The District Agriculture Officer Agriculture Dept. Begusarai, Bihar
6. The District Agriculture Officer, Agriculture Department Samastipur, Bihar
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Respondent/s : Mr.Manikant Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 02-02-2024

Heard learned counsel appearing for the petitioner and
learned counsel appearing for the State.

2. The present writ application has been filed for
quashing the order as contained in Memo No.301 dated
13.02.2012 passed by the respondent No.3 and order dated
08.07.2010 passed by the respondent No.4 by which the petitioner
has been punished by reversion in rank from the post of
Accountant to the post of Clerk.

3. Learned counsel for the petitioner submits that from a
bare perusal of the charge memo it appears that the charge memo
is vague and no specific averments made in the charge memo with
respect to the financial irregularity and on the vague charge memo,



although the petitioner has replied to the charge memo but it appears from the enquiry report that the Inquiry Officer has enlarged the scope of the enquiry and inflicted the punishment against the petitioner and the same was confirmed in the appeal.

4. Learned counsel for the petitioner relied upon the judgment in the case of **Vikramditya Singh Vs. The State of Bihar & Ors.**, reported in **2021(2)PLJR618**, paragraph-13 of the said judgment, which reads as follows:

“13.Enquiry Officer is not permitted to travel beyond the charges and any punishment imposed on the basis of a finding which was not the subject matter of charges is wholly illegal.”

5. Learned counsel for the petitioner further relied upon the judgment in the case of **Kumar Upendra Singh Parimar Vs. B.S.Co-opt. Land Development Bank Ltd. & Ors**, reported in **2000(3)PLJR 10**, paragraph-12 of the said judgment, which reads as follows:

“12.Under those rules there are detailed provisions for holding regular departmental enquiry. In holding of a departmental enquiry it is required to prove the charges against the delinquent employee by producing the departmental witnesses and by examining them by the enquiry officer. If the delinquent employee does not attend the enquiry even then the



department has to prove the charge by examining the witnesses in support of its own documents. In the departmental enquiry no onus is cast upon the delinquent employee to prove the charges. The charges have to be proved by the department. If no witness is called by the department in support of the charges in that case it should be held that the department has not proved its case and in such a situation the enquiry officer cannot record the scrupulous findings with regard to guilt against the delinquent employee just because the delinquent employee is absent.”

6. Learned counsel for the State is not in a position to revert the contention of learned counsel for the petitioner.

7. In view of the aforesaid, Annexures-1,2 and 3 are set aside and this writ application is allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2024
Transmission Date	NA

