

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11724 of 2024

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Ram Deo Choudhary S/o Late Buddh Deo Choudhary, resident of -Opposite
Bank of India, Near Kushwaha Panchayat Bhavan, Mainpura, P.O. - Danapur
Cantt, P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar at Patna.
2. The Secretary, Rural Works Department, Government of Bihar at Patna.
3. The Joint Secretary, Rural Works Department, Government of Bihar at Patna.
4. The Principal Secretary, General Administration Department, Government of Bihar at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sourav Suman, Advocate Ms. Pragati Patra, Advocate Mr. Prashana Shekhar, Advocate Mr. Ravi Prakash, Advocate Mr. Aalekh Anand, Advocate
For the Respondent/s	:	Mr. Mr. Kumar Manish, SC-5 Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 07-08-2024 It is submitted by the learned Advocate on behalf of the petitioner that the proposed departmental enquiry, on the basis of memorandum of charge (प्रपत्र-क) (Annexure-2) is liable to be quashed as in the memorandum of charge, the Disciplinary Authority did not mention the names of the witnesses, by whom the departmental authority proposes to established the charge against the petitioner. Therefore, the memorandum of charge is illegal and is liable to be quashed.

2. The departmental inquiry has not been initiated as



yet. Only the memorandum of charge is submitted. If the memorandum of charge is defective, the petitioner has right to submit his grievance before the Enquiry Officer.

3. It is submitted by the learned Advocate for the petitioner that he has already submitted his grievance.

4. Be that as it may, this Court finds that the instant writ petition is pre-mature. A departmental proceeding cannot be throttled for irregularities in the memorandum of charge.

5. However, the Disciplinary Authority is directed to submit the list of witnesses and the documents, which the departmental authority proposes to rely during enquiry to the petitioner, within 30 days from the date of communication/ receipt of this order.

6. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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