

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20567 of 2018

Vipin Kant Tiwari, Son of Surya Narain Tiwary, resident of Chanakya Puri,
Raja Bazar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Transport Department, Government of Bihar, New Secretariat, Patna.
3. The Commissioner, Transport Department, Government of Bihar, New Secretariat, Patna.
4. The Joint Commissioner, Transport Department, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Advocate
For the Respondent/s : Mr.Anil Kumar Singh -GP26

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 13-03-2024

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

2. The present writ petition has been filed for directing the respondents to conclude the departmental proceeding against the petitioner as per the law and procedure. Further prayer has been made for a direction to the respondents to make payments to the petitioner to which the petitioner is entitled pursuant to the setting aside of the order of punishment of the disciplinary authority.

3. Learned counsel for the petitioner submits that the petitioner has earlier moved before this Hon'ble Court in CWJC



No. 16900 of 2010 (titled as Vipin Kant Tiwary Vs. The State of Bihar and Others) in which vide order dated 16.06.2010, the order has been made in his favour. The relevant paragraph 21 whereof is quoted as under :-

“21. In the circumstances, this Court finds the said order of the Disciplinary Authority dated 16.06.2010, as contained in Annexure-7, as ultra vires his powers contained in the Rules. The same is, therefore, quashed. The Disciplinary Authority will be at liberty to take into account the enquiry report and the materials on record of the proceeding and act upon the same strictly within the parameters laid down for him under Rule 18 of 2005 Rules. 22.”

4. Learned counsel for the petitioner further submits that after passing of the aforesaid order no action has been taken and due to this reason, the petitioner left with no option but to file the present writ petition before this Hon’ble Court.

5. On the other hand, learned counsel for the State submits that the final order has been passed by the authority which is annexed as Annexure – C to the counter affidavit.

6. In the light of this submissions made, this case has now become infructuous. Accordingly, it is disposed off.

7. However, the petitioner would be at liberty to



challenge both the orders before the appropriate authority in accordance with law.

7. With the above observation, the writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	15/03/2024
Transmission Date	NA

