

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1324 of 2018

In
Civil Writ Jurisdiction Case No.1113 of 2018

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Shiv Prakash Rai son of late Nageshwar Rai, R/M- Gali No. 2, Dhobighat
Charitrawn, Buxar, P.S. District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Anjani Kumar Singh, Chief Secretary, Govt. Of Bihar, Patna and Ors Son of not known to the petitioner.
2. Sanjay Kumar, Principal Secretary, Health Department, Govt. of Bihar, Patna. Son of not known to the petitioner.
3. Shishir Kumar Sinha, Principal Secretary, Vigilance Department, Govt. of Bihar, Patna. Son of not known to the petitioner.
4. Sunil Kumar Jha, Director General, Vigilance Department, Govt. of Bihar, Patna. Son of not known to the petitioner.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Behari Sinha - GA 8
Ms. Kalpana, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 04-03-2024

We are not satisfied with the today's reply as well as order dated 29.02.2024. Prima facie it is only an eye wash for the reasons that there is no provision of appointing enquiry committee consisting of two members and it is not forthcoming. On the other hand, if any government servant committed misconduct or misdeeds, he would be subjected to disciplinary proceedings under Bihar CCA Rules, 2005 and it has not been resorted even to this day. It seems that the State Government is



protecting some officials.

2. Therefore, the Additional Chief Secretary, Health Department, Government of Bihar, Patna is hereby directed to appear in person on 05.03.2024 and face contempt of court proceedings.

3. Re-list this matter on 05.03.2024.

4. Again, this matter was taken up at 2:15 PM at the request of the learned counsel for the Respondents.

5. The present M.J.C. No. 1324 of 2018 is filed for non-compliance of order dated 19.01.2018 passed in C.W.J.C. No. 1113 of 2018. It is a short order and therefore, we thought of extracting the same and it reads as under:

From the averments made in the writ petition, it is clear that the Principal Secretary, Vigilance Department and the Principal Secretary, Health Department are already seized of the issue in question and, therefore, at this stage it is not necessary for us to make any indulgence in this Public Interest Litigation, as petitioner's own showing goes to show that he has made a complaint in this regard to these authorities and that is why we say that the matter is pending before them. These authorities are directed to look into the grievance of the petitioner and take such action as may be permissible in law within a reasonable period and thereafter in case petitioner has any grievance, he may ventilate it afresh in accordance



with law.

With the aforesaid, the writ petition stands disposed of.

6. The present M.J.C. No. 1324 of 2018 was presented in the month of April, 2018 and we are in the year 2024. Departmental inquiry was initiated in framing charges on 05.10.2021 during the pendency of the present contempt petition. Thereafter, they have taken almost three years in concluding the disciplinary proceedings. The allegations are very serious in nature in so far as purchase of medicine. Be that as it may, the concerned officials were subjected to disciplinary proceedings under Bihar CCA Rules, 2005 and they have been exonerated on 28.02.2024. Accordingly, the present M.J.C. No. 1324 of 2018 is to be dropped.

7. Having regard to the delay in compliance the States/Respondents have not apprised this Court as to why there is so much of delay in complying the order of this Court. In fact they had remedy of filing Civil Review in CWJC No. 1113 of 2018 in seeking of extension of time while apprising various administrative difficulties, if it is on record. In other words, they slept over the matter for years together in not complying the orders of this Court dated 19.01.2018 and they have complied only on 28.02.2024. Therefore, the present M.J.C. No. 1324 of



2018 stands dropped while imposing cost of Rs. 10,000/- Cost shall be paid to the petitioner within a period of eight weeks from the date of receipt of this order. Cost may be recovered from the concerned officials who have caused undue delay in complying the orders of this Court, after due process of law.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amit/alok/
shahzad-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.03.2024.
Transmission Date	N/A

