

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18410 of 2024

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Dinesh Kumar Das Son of Ramdeo Das Resident of Village- Rangatard Police Station Chandramandi, District -Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Additional Director General of Police (HQ), Bihar, Patna.
4. The Inspector General Of Police (HQ), Bihar, Patna.
5. The Inspector General of Police, Mithila Range, Darbhanga.
6. The Deputy Inspector General of Police, Mithila Range, Darbhanga.
7. The Deputy Inspector General of Police, Saran Range, Chapra.
8. The Superintendent of Police, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate
For the Respondent/s : Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is aggrieved with the Memo of Charge dated 16.10.2023, issued under the signature of Deputy Inspector General of Police, Saran Range, Chapra as also the entire departmental proceeding bearing no. 97 of 2023, initiated against the petitioner despite the fact that no incriminating material has come against the petitioner during the departmental enquiry; nonetheless, the departmental proceeding is allowed to continue.

3. Learned Advocate for the petitioner has drawn the



attention of this Court to the materials available on record and submits that thrice the enquiry has been conducted by different enquiry officers. However, the report submitted by them substantially exonerated the petitioner from all the charges. Notwithstanding, the aforesaid fact, the disciplinary authority on being dissatisfied with the report, proceeded further, which clearly shows the *mala fide* on his part. Various other infirmities have also been pointed out, which is in the teeth of the prescription of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. It is further contended that keeping the matter pending would jeopardizing the entire career of the petitioner, as he is not getting promotion on the next higher post. The departmental proceeding has been kept pending since 2023, and despite the specific direction of the Disciplinary Authority to conclude the enquiry expeditiously, the delay has caused and now after completion of the enquiry when the petitioner has already filed reply to the show-cause on 12.01.2024, no final decision has been taken till date, causing irreparable injury, apart from mental agony. The process adopted by the disciplinary authority is nothing but a colorable exercise of power.

4. It is the contention of the petitioner that once Enquiry Officer was of the view that there is no material or evidence to proceed against the delinquent, it was incumbent



upon the disciplinary authority either to accept the enquiry report or differ with it by giving reason for such disagreement, but without taking any recourse aforementioned, the appointment on new enquiry officer is wholly without jurisdiction and unknown to law.

5. On the other hand, learned Advocate for the State submits that the enquiry officer has already submitted its report and in response to second show-cause notice, the petitioner has already filed his reply and now the disciplinary proceeding is likely to be concluded in a short period of time.

6. Considering the aforementioned submissions, especially the fact that the proceeding is on the verge of completion, the Court deems it fit and proper to dispose off the writ petition with a direction to the disciplinary authority to conclude the disciplinary proceeding, preferably within a period of two months, from the date of receipt/production of a copy of this order, reserving the right of the petitioner to challenge all the infirmities before the appropriate authority/forum, if any occasion is arised.

(Harish Kumar, J)

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