

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4146 of 2023

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Kamleshwari Prasad Singh Son of Late Ritu Mandal, resident of village - Bahadurpur, Police Station - Zero Mile in the district of Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department Of Home, Government of Bihar, Patna.
3. The Inspector General, Prison, Bihar, Patna.
4. The Deputy Secretary-cum-Deputy Director (Admn.), Department of Prison and Correctional Services, Bihar, Patna.
5. The Superintendent, District Jail, West Champaran at Bettiah.
6. The Deputy Superintendent, District Jail, West Champaran at Bettiah.
7. The Superintendent-cum-Conducting Officer, Saheed Khudi Ram Bose, Central Jail, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Adv. Mr. Pankaj Kumar, Adv. Mr. Jishnu Kumar, Adv.
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to (Aag 3)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 24-02-2025 This petition has been preferred by the petitioner seeking following reliefs:

“(i) For quashing of the order dated 27.05.2022 contained in Memo No. 5969 dated 27.05.2022 issued under the signature of Deputy Secretary-cum-Deputy Director (Pra.), Bihar, Patna, whereby and where under the petitioner was awarded punishment for “Dismissal from Service” under Rule 14(XI) of the Bihar Government Servants



*(Classification, Control and Appeal) Rules, 2005
(hereinafter referred in short as CCA Rule, 2005).*

(ii) Also to quash the order dated 22.12.2022 passed by the Additional Chief Secretary, Department of Home, Government of Bihar, Patna which was communicated to the petitioner and other respondent authorities vide Memo No. 13972 dated 26.12.2022 by which the Appeal filed on behalf of the petitioner against the order of punishment contained in Memo No. 5969 dated 27.05.2022 without considering the fact and also without application of judicial mind in most mechanical and arbitrary manner.

(iii) Also for commanding the respondents to re-instate the service of the petitioner.

(iv) Also for any other relief/reliefs, order/orders, for which the petitioner has entitled on the facts and in the circumstances of the present case.”

2. It is submitted by the learned counsel for the petitioner that from the month of December, 2019 petitioner was working as In-charge Chief Head warden at District Jail, Bettiah. At that time one Madan Kumar was working there as warden and one Sanjay Kumar Gupta was posted there as Deputy Superintendent of Prison. He further submit that two prisoners had committed suicide subsequently on 11.06.2020



and 22.09.2020 therefore, separate departmental proceeding has been initiated against the petitioner, Madan Kumar and Sanjay Kumar Gupta. After completion of the departmental enquiry and after serving of the 2nd show cause, the petitioner has been given major penalty i.e. dismissal from the services, Madan Kumar was also given the same major penalty i.e. dismissal from the services, but, the Dy. Superintendent of Prison, Sanjay Kumar Gupta against whom the similar charges were made was awarded minor penalty of withholding of two increments with cumulative effect. He further submit that subsequently order of termination has been challenged by Madan Kumar before this Court bearing CWJC No. 2363/2023 which has been allowed by the Co-ordinate Bench of this Court dated 11.11.2024 on the ground of parity, and the matter was remanded back to the respondents to reconsider the matter afresh after granting opportunity of hearing to the petitioner therein. Therefore, it is prayed by the counsel that the petition preferred by the petitioner herein may also be allowed in the terms as extended by the Co-ordinate Bench of this Court in ***CWJC No. 2363 of 2023, Madan Kumar Vs. The State of Bihar & Ors.***

3. Learned counsel for the respondent – State opposes the argument raised by the counsel. However, he fairly admitted



the fact that the matter of Madan Kumar has been remanded back by this Court on the ground of parity.

4. Heard both the counsels appearing for the parties and perused the documents annexed with the record, also, perused the judgment passed by the Co-ordinate Bench of this Court in ***CWJC No. 2363 of 2024, Madan Kumar Vs. The State of Bihar & Ors.*** Dated 11.11.2024.

5. Considering the entire matter, the Co-ordinate Bench of this Court arrived on the conclusion that on the ground of parity the matter of the petitioner i.e. Madan Kumar was ought to be reconsidered by the respondent and the matter was remitted back to the respondents. Since, the matter of the petitioner herein is also identical to the case of Madan Kumar, therefore, in the light of the judgment passed by the Co-ordinate Bench in the case of Madan Kumar (supra), the Order dated 27.05.2022 passed by the disciplinary authority and the Order dated 22.12.2022 passed by the appellate authority are hereby set aside. The matter is remanded back to the disciplinary authority to re-examine the matter in accordance with relevant rules and laws after granting due opportunity of hearing to the petitioner within the time prescribed in the Bihar Government Servants CCA Rules, 2005.



6. With the aforesaid observation, this petition is disposed of.

(Arvind Singh Chandel , J)

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