

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.393 of 2023

In
Civil Writ Jurisdiction Case No.17133 of 2011

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1. The State of Bihar through the Commissioner-cum-Secretary, Department of Revenue And Land Reforms, Government of Bihar, Old Secretariat, Patna.
 2. The Divisional Commissioner-Cum-Appellate Authority, Bhagalpur.
 3. The District Magistrate-Cum-Disciplinary Authority, Bhagalpur.
 4. The Enquiry Officer-Cum-Director Accounts Administration and Self Employment, Bhagalpur.
 5. The Additional Collector, Bhagalpur.
 6. The Establishment Deputy Collector, Bhagalpur Collectorate, Bhagalpur.
 7. The Circle Officer, Jagdishpur, District - Bhagalpur.
 8. The Circle Officer, Pirpainty, District - Bhagalpur.

... .. Appellant/s

Versus

Baidya Nath Gupta, S/o Late Kedar Nath Gupta, R/o Village and P.O. - Bakharpur, P.S. - Pirpainty, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, AG Mr. Majid Mahboob Khan (A.C. to A.A.G.12)
For the Respondent/s	:	Mr. Purushottam Kumar Jha, Advocate Mr. Ram Naresh Jha, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

17 05-03-2025 Heard the learned Advocate General for the appellant/State and Mr. Purushottam Kumar Jha, the learned Advocate for the respondent.

2. By the impugned judgment dated 29.09.2022 passed in CWJC No. 17133 of 2011,



the order by which the respondent was visited with punishment of dismissal from service has been set aside.

3. The State has called in question the aforementioned judgment primarily on the ground that though the manipulation in the revenue records, which is a serious misconduct, is of the years 1983 and 1995 but the fact was discovered only later and, therefore, a proceeding was initiated against the respondent belatedly.

4. In the first instance when the proceeding culminated in the punishment order of dismissal, the same was set aside by this Court.

5. The respondent was again put to the rigors of departmental proceeding, but in the second proceeding, the list of witnesses as mandated under Rule 17(3) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 was not supplied.



6. The learned Advocate General has pleaded that the aforementioned ground does not hold good for the reason that during the proceedings, witnesses were examined and cross-examined.

7. We have found that the allegation against the respondent is of manipulation of revenue records of 1983 and 1985. It is an old matter and many a times it has been held by the Supreme Court that delay in initiation of inquiry itself vitiates the entire proceedings.

8. The respondent has long retired.

9. We have not found any perversity in the judgment impugned.

10. For the aforementioned reason, we do not find any reason to interfere with the judgment of the learned Single Judge.

11. The appeal is dismissed.



(Ashutosh Kumar, ACJ)

(Harish Kumar, J)

Rajesh/Rohit

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