

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5055 of 2024

Ashok Kumar, S/o Late Kashi Mahatha, At Present Flat No.402, Kapil Tara Kunj Apartment, West Boring Canal Road, Anandpuri West, Near Saket Galaxy Apartment, Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Secretariat, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Under Secretary, General Administration Department, Govt. of Bihar, Secretariat, Patna.
4. Governor's Secretariat, Bihar, Raj Bhavan, Patna-800022.
5. The High Court of Judicature at Patna through its Registrar General, Patna.
6. The Registrar General, Patna High Court, Patna.
7. The Registrar (Vigilance) Cum Inquiry Officer, Patna High Court, Patna.
8. The Officer on Special Duty Cum Presenting Officer, Patna High Court, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Hitesh Suman, AC to SC 13
For Respondent No. 4	:	Mr. Janardan Pd. Singh, Sr. Advocate
		Mr. Rajiv Ranjan Kr. Pandey, Advocate
For Respondent Nos. 5 to 8	:	Mr. Piyush Lall, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 18-01-2025

Heard Mr. Sanjay Kumar, learned Advocate for
the petitioner and Mr. Piyush Lall for the High Court.

2. Mr. Ashok Kumar, a dismissed Civil Judge,
Junior Division has put up a challenge to his dismissal from



service and has prayed for setting aside the notification of the General Administration Department (GAD), Government of Bihar dated 20.04.2023, whereby in terms of the recommendation of the High Court, Patna, he has been dismissed from service for serious misconduct; for quashing the Memo No. 19715-19722 dated 25.03.2023 issued by the Registrar General of the Patna High Court whereby a request was made to the Principal Secretary, General Administration Department for issuance of necessary notification to give effect to the recommendation of the Patna High Court to impose the punishment of dismissal; for quashing the entire disciplinary proceeding and all consequential orders passed thereto; for quashing the order dated 24.11.2023 passed by His Excellency, the Governor of Bihar, whereby the review filed by the petitioner was dismissed and for commanding the reinstatement of the petitioner in service and to grant him all the consequential benefits to which he would be entitled.



3. While the petitioner was posted as Sub-Judge-ACJM, Madhubani and was in seisin of Trial No. 694 of 2008 (G.R. No. 2328 of 2008, arising out of Madhubani P.S. Case No. 400 of 2008), one Rubina Khatoon, the informant filed a complaint on 23.01.2018 alleging that the petitioner as the Trial Judge demanded physical favours with her daughter and when that was not done, the case was dismissed. The High Court, Patna called for a report from the District & Sessions Judge, Madhubani, who reported confirming the accusation along with a C.D. in original of the recordings of the conversation between the complainant, her daughter and the Judicial Officer along with the complainant's statement on affidavit supporting the above allegation as also the reply of the petitioner which was demanded of him by the District & Sessions Judge, Madhubani. Along with the afore-noted documents, the CDR during the period October, 2017 to January, 2018 of the conversation between the petitioner and the complainant was also sent.



4. It further appears that the documents were seen by the Inspecting Judge of Madhubani and thereafter the Standing Committee in its meeting held on 10.07.2018 had resolved to seek a show-cause reply from the petitioner. The show-cause reply of the petitioner was not found to be satisfactory and the Standing Committee of the High Court in its meeting held on 10.09.2018, resolved to initiate a departmental proceeding against the petitioner. The petitioner was suspended forthwith. The Inquiry Officer and the Presenting Officer were appointed. The articles of charge against the officer was framed.

5. The approved articles of charge, the statement of allegation, list of witnesses and the list of documents relied upon in the departmental proceeding were furnished to the petitioner and he was asked to submit his written statement of defence within a stipulated period.

6. The charge against the petitioner was that he displayed extreme moral depravity and perversity and had



indulged in utterly shameful conduct which was absolutely unethical and amounted to willful and gross abuse of Judicial powers leading to breach of public trust and thereby shaking the public confidence in the Courts.

7. In the written statement of defence, the petitioner though admitted to have conversed with the complainant but denied the accusation made by her against him.

8. In the inquiry, the complainant and her daughter were produced as Prosecution Witnesses No. 1 and 2 respectively. Both of them identified the petitioner and asserted that the conversation in the audio-clips of the compact disc to be true.

9. During the course of proceeding, the Presenting Officer had filed a petition dated 29.06.2019 for exhibiting documents mentioned in the list of documents supplied to the petitioner.

10. The petitioner had objected to the marking



of those documents except the records of the Trial No. 598 of 2018 and had also challenged the genuineness of the C.D. containing the recorded conversation between him, the complainant and her daughter.

11. The Inquiry Officer then directed the complainant, her daughter and the petitioner to appear before the FSL, Patna for ascertaining whether the voice in the C.D. was theirs.

12. The FSL report indicated that the voice of the petitioner and the daughter of the complainant were similar in the C.D. and the voice sample, but no definitive opinion could be given about the voice of the complainant as the voice quality was poor and not capable of being put to comparative analysis.

13. The petitioner appears to have challenged the authenticity of the FSL report and claimed that the veracity of the contents of the report can only be tested by examining the Officer, who had submitted it and had



therefore opposed such report to be marked as an exhibit.

14. Faced with this situation, the Presenting Officer had filed a petition dated 09.12.2020 to call the Director-in-Charge of FSL, Patna to give evidence in response to the said objection.

15. An Assistant Director of the FSL, Patna appeared as Prosecution Witness No. 3, who too was cross-examined by the petitioner who had confirmed the genuineness of the report.

16. Two witness in defence were also produced before the Inquiry Officer on the asking of the petitioner.

17. Based on the evidence on record, oral, documentary, as well as electronic as also the defence raised by the petitioner, the Inquiry Officer returned a finding of the charges being proved and established.

18. The Standing Committee of the High Court considered the inquiry report and directed for a copy of the same to be submitted to the petitioner for his response. A second show-cause notice was thus issued to the petitioner



calling for his written response, which was scrutinized by the Standing Committee of the High Court.

19. The Standing Committee, thereafter, resolved that in view of the charges having been found proved, the Officer deserved to be dismissed from service.

20. Since the Standing Committee was of the opinion that the punishment of dismissal only would be appropriate, it further resolved to place the matter before the Full Court in its next meeting for consideration.

21. The Full Court in its meeting held on 15.03.2023 considered the resolution of the Standing Committee, recommending the dismissal of the petitioner from the service and approved the same.

22. Against the afore-noted decision, the petitioner had filed review before His Excellency, the Governor of Bihar, which too was dismissed.

23. The entire procedure for departmental proceeding was followed to the hilt and the grievance of the petitioner that he was not given ample opportunity to



defend himself and that the evidence was weak for warranting the punishment of dismissal has no substance. The decision to dismiss the petitioner was taken on a careful and due consideration of all evidence on record including the electronic evidence.

24. The learned counsel for the petitioner was unable to draw any substantial flaw in the entire procedure followed in the departmental proceeding.

25. There is no merit in this petition and is thus dismissed *in limine*.

26. No order as to costs.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Krishna-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2025
Transmission Date	

