

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8365 of 2023

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Suresh Kumar Son of Late Mandan Lal Resident of Village- Rasalpur Dahla,
P.S.- Sahebganj, District- Sahebganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Additional Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. The District Magistrate-cum-Collector, District- Madhepura.
6. The Land Reforms Deputy Collector, Madhepura.
7. The Sub-divisional Officer, Sub-division- Udakishunganj, District- Madhepura.
8. The Circle Officer, Udakishunganj Block, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Sajid Salim Khan (SC25)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 02-07-2025

Heard learned counsel for the petitioner and
learned counsel for the respondents-State.

2.This petition has been preferred by the petitioner
seeking following reliefs:

(i) A certiorari setting aside the order dated 19.01.2023 passed from the level of Appellate Authority i.e. the Minister, Revenue & Land Reforms Department, Govt. of Bihar, Patna in



Service Appeal No. 11 of 2016-17, issued vide Memo No. 47 dated 20.01.2023 from the level of Respondent Director, whereby and whereunder is a very mechanical, casual and illegal manner the appeal filed on behalf of this petitioner against the order of his punishment of dismissal from service, passed from the level of the Principal Secretary by reiterating only the grounds taken by the Disciplinary Authority which is an admitted case of non-application of his independent judicious mind and violations of Principles of Natural Justice.

(ii) A further certiorari setting aside the order of punishment contained in Memo No. Ni. Ko. Madhepura 112/2014-583 dated 27.05.2016 passed by the Respondent Principal Secretary, Department of Revenue & Land Reforms, Bihar, Patna under which petitioner has been dismissed from service only relying upon the report submitted by Enquiry Officer and Presenting Officer for the alleged charges of purchasing the disputed land and not having over the same to Mahadalits.

(iii) For a direction upon the Respondents concerned to reinstate the petitioner in service with all consequential monetary benefits.

(iv) And/or any other order(s),



direction(s), writ/writs for granting any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.

3. The brief facts of the case is that the petitioner was working on the post of Circle Officer, Udakishunganj, Madhepura. He has been suspended vide order dated 27.01.2015 as contained in Memo No. G2. Subsequently, *Prapatra* 'K' has been issued to the petitioner vide order dated 05.08.2014, Annexure-1. Thereafter, a show cause was also issued to him vide Annexure-2, which has been replied by the petitioner vide Annexure-3 explaining each and every facts of the show cause. However, the enquiry officer and the presenting officer submitted its report and the enquiry officer conducted the enquiry and arrived at the conclusion that the charge has been duly proved. On the basis of enquiry report submitted by the enquiry officer, the impugned order has been passed by the disciplinary authority, which has been also affirmed by the appellate authority and hence, this petition.

4. Learned counsel for the petitioner would submit that in reply to the show cause, the petitioner replied each and every aspect of the matter in detailed. However, the disciplinary authority has not considered the same submitted by him.



Learned counsel further submits that the enquiry officer also without recording any statement of any witness only on the basis of submission of the presenting officer arrived at the conclusion that both the charges levelled against the petitioner are duly proved. Therefore, on this ground alone the entire enquiry report and subsequently, both the orders impugned are liable to be set aside.

5. Learned counsel appearing for the respondents opposes the arguments raised by the counsel for the petitioner.

6. Heard both the counsels for the parties and perused the documents annexed with the petition as well as counter affidavit and the rejoinder.

7. Perusal of the *Prapatra* 'K' (Annexure-1), shows that two charges were framed against the petitioner. The charge memo and the enquiry report of the enquiry officer further show that with the charge memo no list of witness has been prepared nor provided to the petitioner. The enquiry report further shows that the conclusion, as recorded by the enquiry officer, is only based upon the submission made by the presenting officer based upon his own enquiry. Thus, it is quite clear that it is a case of no evidence. Without any evidence produced by the department, the enquiry officer has wrongly



arrived at the conclusion that the charges levelled against the petitioner has been proved. The disciplinary authority while passing the order of dismissal has also not considered this aspect. Therefore, on this ground alone, the enquiry report as well as both the orders impugned are liable to be set aside.

8. Accordingly, the petition is allowed.

9. Both the orders impugned dated 19.01.2023 and 27.05.2016 are hereby set aside.

10. The concerned respondent is directed to reinstate the services of the petitioner with all consequential benefits probably within a period of three months from today.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2025
Transmission Date	NA

