

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9090 of 2023

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Bidhu Kumar Son of Gopal Saran, Resident of Saguna More, P.S.-Danapur,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Police Department, Government of Bihar, Patna.
2. The Secretary, Home (special), Department, Bihar, Patna.
3. The Deputy Secretary, Inspectorate of Jail and Reform Service, Home Department (Prison) Bihar, Patna.
4. The Inspector General, Jail and Reform Services, Bihar, Patna.
5. The Additional Collector, Departmental Enquiry, Patna-cum-Enquiry Officer.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Vinay Ranjan, Abhishek Teerthankar, Prashant Shankar, Advocates
For the Respondent/s	:	Mr.P.K. Verma (Aag 3)

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 01-07-2025

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

“... .. for issuance of a writ in the nature of certiorari to quash the Resolution as contained in Memo No 9467 dated 06.11.2019 issued under the signature of Joint Secretary -cum- Director (P), Inspectorate of Jail & Reform Services, Home (Prison) Department, Bihar, Patna whereby an where under stoppage of four increments with cumulative effect has been inflicted and the decision with regard to suspension period would be taken separately and also to quash the resolution as contained in Memo No 2261 dated 08.03.2021 issued under



the signature of Joint Secretary -cum- Director (P) whereby the review application of the petitioner has been rejected and further for issuance of any other appropriate writ/writs, order/orders it may deem fit and proper by this Hon'ble Court."

2 Brief facts of the case are that while the petitioner was posted as Jail Superintendent, an under trial prisoner died during the course of treatment at Sadar Hospital, Patna. For that, the petitioner was placed under suspension. The District Magistrate had constituted a Three Men Enquiry Committee and on the basis of the report submitted by the Enquiry Committee, charge sheet has been issued to the petitioner. As many as five charges were framed against him. After concluding the enquiry, the Enquiry Officer submitted his report dated 27.05.2019 (Annexure 4 series) whereby the Enquiry Officer arrived on the conclusion that all the charges levelled against the petitioner were duly proved. On the basis of said enquiry report, second show cause was issued by the Disciplinary Authority and subsequently the order impugned has been passed by the authorities. Hence, this petition.

3 It is submitted by the learned counsel for the petitioner that in the charge memo, list of witnesses and list of documents were annexed. However, during the course of enquiry, none of the listed witnesses have been examined by the Department and the Enquiry Officer, only on the basis of submission made by the



Presenting Officer, arrived on the conclusion that all the charges levelled against the petitioner found proved. Learned counsel, referring to the judicial enquiry report dated 12.10.2018 (Annexure 5 series) further submits that in the judicial enquiry, it was found that the doctors, who treated the prisoner, were negligent while treating the prisoner. It was further opined by the Enquiry Officer in the judicial enquiry that handcuff was used on the direction given by the concerned doctor O P Saha. But the Enquiry Officer did not consider these aspects and wrongly arrived on the conclusion that all the charges levelled against the petitioner have been proved.

4 Learned counsel for the respondent-State opposes the argument raise by the learned counsel for the petitioner and submits that on the basis of documentary evidence available on record, the Enquiry Officer has rightly come to the conclusion that all the charges levelled against the petitioner have been proved. On the basis of said, the Disciplinary Authority rightly passed the order of punishment.

5 I have heard learned counsel for the parties, perused the documents annexed with the petition as well as the counter affidavit submitted by the learned counsel for the State.



6 The charge memo (Annexure 1) shows that four witnesses were cited by the Department but during the course of enquiry, none of the witness has been examined by the Department.

7 Undisputedly, on 13.07.2018, when the prisoner was referred to the jail hospital, he was treated by the doctors of the jail hospital. Once the patient (prisoner) was being treated by the jail doctors then it was their duty to refer the said prisoner to the Sadar Hospital or any other place but they did not do so nor informed the petitioner. The negligence of the doctors has also been pointed out by the officer who conducted the judicial enquiry. Judicial enquiry report further shows that on the direction given by the doctor, the deceased prisoner was handcuffed as he was found violent at that time. The enquiry report further shows that the Enquiry Officer himself found that death of the prisoner was informed to the petitioner at 8.30 am and the petitioner informed the same to the higher officials at 9.10 am. Therefore, it cannot be said that the petitioner informed the higher officials belatedly. Perusal of the enquiry report further shows that the material witness, i e, Jail Warden who informed the petitioner regarding condition of the prisoner on 12.07.2018 has also not been examined during the course of enquiry.



8 The entire enquiry report is based upon the submissions made by the Presenting Officer. No witness was examined during the course of enquiry nor any document was tendered by any of the witness. In spite of that, the Enquiry Officer arrived on the conclusion that all the charges levelled against the petitioner were found duly proved. The Disciplinary Authority, while passing the impugned order also did not consider these aspects.

9 Taking into consideration the above facts and circumstances, the orders impugned dated 06.11.2019 and 08.03.2021 are hereby set aside.

10 Petitioner is entitled to get all consequential benefits.

11 The writ petition is allowed.

(Arvind Singh Chandel, J)

M.E.H./-

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

