

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.35 of 2021
In
Civil Writ Jurisdiction Case No.1885 of 2019

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar, Patna
3. The Director General of Police, Patna
4. The Inspector General of Police (Head Quarter) Bihar, Patna
5. The Inspector General of Police (ABHIYAAN) Bihar, Patna
6. The D.I.G. Tirhut Range, Muzaffarpur
7. The Deputy Inspector General of Police, Champaran, Bettiah
8. The Superintendent of Police, Sheohar

... .. Appellants

Versus

S.M. Wakil Ahmad Son of Late S.M. Zubair Ahmad, resident of village-Indirapuri Colony, Samanpura, Raja Bazar, Police Station- Shashtri Nagar, Patna-800014, District-Patna

... .. Respondent

Appearance :

For the Appellant/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-07-2025

Ref: I.A. No. 04 of 2024

Heard I.A. No. 04 of 2024 for condonation of delay. There is a delay of about 270 days in filing L.P.A. No. 35 of 2021. For the reasons stated in the application read with the affidavit and the fact that most of the delay period would cover under Covid-19, therefore, in the light of Hon'ble Supreme



Court decision in the case of ***Cognizance For Extension of Limitation, In RE Suo Motu Writ Petition (C) No.3 of 2020, Order dated March, 23, 2020***, reported in ***(2020) 19 Supreme Court Cases 10***. The delay of about 270 days in filing L.P.A. NO. 35 of 2021 stands condoned.

2. Accordingly, I.A. No. 04 of 2024 stands allowed.

Ref: Letters Patent Appeal No. 35 of 2021

3. Heard learned counsel for the Appellants-State.

The Appellants have assailed the order of the learned Single Judge dated 20.12.2019 passed in C.W.J.C. No. 1885 of 2019. Respondent was subjected to disciplinary proceedings and he was penalized while imposing penalty of censure and withholding of two annual increments with cumulative effect. Learned counsel for the Appellants could not apprise what is error committed by the learned Single Judge. The one and only contention raised on behalf of the State-Appellant is that Respondent – S.M. Wakil Ahmad is stated to have admitted the allegation prior to initiation of departmental inquiry namely framing of article of charges read with the Show-Cause Notice. Whatever the statement or admission made by a government servant/employee prior to framing of charge, the same cannot be taken note of for the purpose of imposition of penalty.



Therefore, the aforementioned contention on behalf of Appellants is not appreciable. Accordingly, the Appellants have not made out a case so as to interfere with the order of the learned Single Judge dated 20.12.2019 passed in C.W.J.C. No. 1885 of 2019.

4. Accordingly, L.P.A. No. 35 of 2021 stands dismissed. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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