

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13017 of 2025

Imran Akhtar Son of Late Md. Rahmatulla Ansari Resident of Alba Colony,
P.S.- Phulwarisharif, District- Patna, Presently posted as Deputy Director
(purchase and transport) Road Construction Department, Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Chairman cum Managing Director, Bihar Police Building Construction Corporation, Bihar, Patna.
3. The Secretary, Road Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kr. Upadhyay, Advocate Mr. Raju Prasad, Advocate Ms. Tetara Kumari, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, G.P.-14
For the Res. no.2	:	Mr. Kamala Kant Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

*“i. Issuance of a writ in the nature of
certiorari to quash the following charge sheets, issued
against the petitioner by the Road Construction
Department, on the basis of unsustainable document
made available by the Respondent no. 2*

*a. Letter No. Nig/Sara (nigam) Arope
52/2022-673(S)we dated 09.02.2023*

*b. Letter No. Nig/Sara (nigam) Arope
31/2023/5750(S)we dated 25.09.2023*



c. Letter No. Nig/Sara (nigam) Arope
45/2023-3620(S)we dated 31.07.2024

d. Letter No. Nig/Sara (nigam) Arope
38/2023-4165(S)we dated 29.08.2024.

ii. Issuance of a writ of mandamus directing the Respondents to withdraw the baseless allegation and charge sheet issued against the petitioner and dispose of the petitioner's representation dated 02.05.2025 (submitted vide Letters No. 01(Anu), 02(Anu), and 03(Anu) dated 02.05.2025).

iii. For issuance of interim stay on the operation of the aforementioned charge sheets and departmental proceedings pending against the petitioner till final disposal of present writ application.

iv. To grant further relief/reliefs as this Hon'ble Court may deem fit and proper in the fact and circumstances of the case."

3. The main contention of learned counsel for the petitioner is that four chargesheets have been issued against the petitioner. It is submitted that in one of the departmental proceedings initiated on identical charges, after conducting the enquiry, the petitioner was already exonerated and thus re-initiating a departmental proceeding on the same set of charges is not sustainable.

4. Learned counsel appearing for the respondents submits that the instant application at this stage is not



maintainable. Reliance has been placed on the judgment of the Hon'ble Supreme Court in the case of *Union of India and Anr. vs. Kunisetty Satyanarayana; (2006) 12 SCC 28* wherein referring to the decisions in the case of *Executive Engineer, Bihar State Housing Board vs. Ramesh Kumar Singh; (1996) 1 SCC 327, Special Director vs. Mohd. Ghulam Ghouse; (2004) 3 SCC 440, Ulagappa vs. Divisional Commissioner, Mysore; (2001) 10 SCC 639 and State of U.P. vs. Brahm Datt Sharma; (1987) 2 SCC 179*, it was held that ordinarily no writ lies against a chargesheet or show cause notice.

5. At this stage, learned counsel for the petitioner submits that though the petitioner has filed a reply to the chargesheets served on him, in view of the judgment in the case of *Kunisetty Satyanarayana (supra)*, the petitioner be granted liberty to file a fresh reply. It is further prayed that as consideration of the petitioner for promotion is being held up because of the initiation of this proceeding, the respondents be directed to conclude the same within a reasonable period.

6. Having heard learned counsel for the parties and taking into consideration the judgment of the Hon'ble Supreme Court in the case of *Kunisetty Satyanarayana (supra)*, this writ application is disposed of giving liberty to the petitioner to file a



fresh reply to the chargesheets within a period of four weeks from today.

7. The proceedings will be concluded by the respondents at the earliest preferably within a period of three months from the date of filing of the reply by the petitioner.

8. It is made clear that the Court has not expressed its opinion on the merits of the case of the petitioner which is to be decided by the respondent concerned.

9. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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