

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1163 of 2024
In
Civil Writ Jurisdiction Case No.19006 of 2011

1. The State of Bihar through the Secretary, Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Vishveswariya Bhawan, Patna.
3. The Secretary, Road Construction Department, Government of Bihar, Bailey Road, Patna.
4. The Engineer-in-Chief cum Additional Secretary, Road Construction Department, Government of Bihar, Vishveswariya Bhawan, Bailey Road, Patna.
5. The Joint Secretary, Road Construction Department, Government of Bihar, Vishveswariya Bhawan, Bailey Road, Patna.
6. The Deputy Secretary cum Chief Vigilance Officer, Road Construction Department, Government of Bihar, Vishveswariya Bhawan, Bailey Road, Patna.

... .. Appellant/s

Versus

1. Neena Das Wife of Late Subhash Chandra Das, Resident of Matrichaya Banglow No. 380, Shivtej Nagar Polite Harmitage Sector No. - 18, Pradhikaran, Pune City Chinchwad East, Pune, Maharashtra- 411019.
2. Shantanu Das, Son of Late Subhash Chandra Das, Resident of Matrichaya Banglow No. 380, Shivtej Nagar Polite Harmitage Sector No. 18, Pradhikaran, Pune Maharashtra.
3. Navendu Das, Son of Late Subhash Chandra Das, Resident of Matrichaya Banglow No. 380, Shivtej Nagar Polite Harmitage Sector No. - 18, Pradhikaran, Pune City Chinchwad East, Pune, Maharashtra - 411019.
4. Bihar Public Service Commission through its Chairman.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, AG Mr. S.C. Mishra, SC-16 Mr. Madhukar Mishra, AC To SC-16
For the Respondent/s	:	Mr. Jagannath Singh, Advocate Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)



5 13-10-2025 The order of the learned Single Judge has been assailed by an intra court appeal filed by the State. The learned Advocate General appearing on behalf of the State of Bihar has submitted that a departmental proceeding was initiated against the husband and father of the respondent No. 1 and Respondent Nos. 2 and 3 respectively, who happened to be a State Government employee. During his service tenure, he had become the Secretary of Rangkarmi Co-operative Housing Society of Bihar State Housing Co-operative Federation. Subsequently, there was a charge framed against him for becoming the Secretary of the above referred Co-operative Society without obtaining any prior permission from the State of Bihar. Learned counsel for the respondents has submitted that though a permission was sought for vide Annexure 2/1 of the writ petition, the coordinate Bench of this Court vide order dated 12.08.2025 had made following observations :-

“4. We have considered the submissions canvassed by the learned Advocates. As the learned Single Judge has not discussed with regard to merits of the case of the petitioner and with regard to the order of dismissal passed by the disciplinary authority against the deceased petitioner and the writ petition is mainly allowed only on the ground that the disciplinary authority did not have power to initiate departmental proceedings against the deceased petitioner as he had committed the alleged illegalities while



working as Secretary of a particular Housing Society. However, we are of the view that the learned Single Judge has given his prima facie view with regard to the same and thereafter allowed the petition at the same time.”

2. Upon perusal of the records of the case, we are of the view that the relevant facts were not considered by the learned Single Judge while passing the order under challenge. Therefore, the order impugned is set aside and the matter is remitted back for reconsideration by the learned Single Judge afresh.

3. The appeal is accordingly disposed of.

4. Let CWJC No.19006 of 2011 be placed before the appropriate Bench at the earliest taking into account the fact that the employee himself is no more and he is represented by his family members i.e., respondent Nos. 1 to 3.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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