

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.228 of 2023

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Dibesh Kumar Sharma son of Shiv Shankar Sharma, resident of Village-Baghra, P.S.- Patori, District- Samastipur, at present posted as Assistant Director, Head Quarter, Department of Social Welfare, Government of Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Special Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Joint Secretary, Department of Social Welfare, Government of Bihar, Patna.
4. The Director of Social Welfare, Department of Social Welfare, Government of Bihar, Patna.
5. The Joint Director (HQ), Social Welfare, Directorate, Department of Social Welfare, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Dr. Md. Raisul Haque (SC-10)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 21-07-2026

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

2. The present writ petition has been filed for setting aside the order passed by the Disciplinary Authority dated 20.03.2020 contained in Memo No. 1939 (annexed as Annexure- 25) issued by the Special Secretary, Department of Social Welfare, Government of Bihar, Patna. Further for setting aside the order passed by the Reviewing Authority dated 15.12.2020 contained in Memo No. 4516 (annexed as



Annexure- 27).

3. Learned counsel for the petitioner submits that the petitioner was working as Assistant Director, Child Protection Unit, Muzaffarpur under the department of Social Welfare. Counsel submits that during his service, he has been served a show cause notice *vide* Memo No. 450 dated 04.06.2018 from the Director with allegation that in a social audit report of basis team of Tata Institute of Social Studies (hereinafter referred to as 'TISS') indicating harassment as well as mental and physical exploitation of girl child of *Balika Grih* (Remand Home), Muzaffarpur which was under the supervision of the petitioner. But, in his earlier inspection report, the petitioner has never mentioned regarding such incidents which shows his dereliction of duties due to which the matter could not be detected in time. Counsel submits that the said allegation following the process of the departmental proceeding resulted into the punishment order dated 20.03.2020 contained in Memo No. 1939. He further submits that thereafter, the petitioner has preferred review of the said order dated 20.03.2020 and final order has been passed by the Reviewing Authority dated 15.12.2020 contained in Memo No. 4516. He submits that both the orders i.e. the original order as well as the review order,



have been challenged before this Hon'ble Court by virtue of this writ petition. Counsel put emphasis that the Reviewing Authority has not considered a single point which has been mentioned in the review petition. He submits that the quasi judicial review has to be taken care of primarily on three points viz, violation of principles of natural justice, procedural lapse/irregularity in the procedure and exorbitant punishment. The petitioner has raised those points, but in the impugned order passed by the Reviewing Authority, no such decision has been taken and in a complete cryptic manner, the review petition of the petitioner has been rejected.

4. Learned counsel for the State, on the other hand, submits that reason has been assigned and it has been found that there was no reasonable point raised by the petitioner and it is due to this reason, his review petition was rejected.

5. After hearing the parties, it transpires to this Court that the Reviewing Authority has not considered a single point which is made by the petitioner at the time of consideration of his review petition. It further transpires to this Court that an evasive order has been passed. It is made clear that the Reviewing Authority is a Quasi Judicial Authority and he suppose to pass a reasoned and speaking order, which is



completely lacking in the present case.

6. Therefore, under the aforesaid circumstances, this Court hereby set aside the order passed by the Reviewing Authority dated 15.12.2020 contained in Memo No. 4516 (Annexure- 27). The Reviewing Authority is hereby directed to pass a fresh and reasoned order considering all the points raised by the petitioner in the review petition. The petitioner shall be at liberty to appear before the Appellate Authority/Reviewing Authority within 30 days from today and the Appellate Authority/Reviewing Authority is directed to take decision after granting opportunity of hearing to the petitioner and then pass final order within 90 days from the date of production of a copy of this order.

7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/07/2026
Transmission Date	NA

