IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1302 of 2024
In
Civil Writ Jurisdiction Case No.3069 of 2011

CNR No. BRHC011286012024

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1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Secretary, Health Department, Government of Bihar, Patna.
3. The Joint Secretary, Health Department, Government of Bihar, Patna.
4. The Additional Secretary, Department of Indigenous Medical Bihar, Patna.
5. The Deputy Secretary-Cum-Director, Department of Indigenous Medical -Cum-Inquiry Officer, Bihar Patna.
6. The District Magistrate, Samastipur.

... ... Appellant/s

Versus

1. Dr. Aurangzeb Alam, Son of late Dr. Mujibur Rahman, Resident of Village and P.S. Nanpur, District- Sitamarhi.
2. Abdullah Tarique, Son of late Dr. Mujibur Rahman, Resident of Village and P.S. Nanpur, District- Sitamarhi.
3. Afroz Alam, Son of late Dr. Mujibur Rahman, Resident of Village and P.S. Nanpur, District- Sitamarhi.
4. Mashokoor Alam, Son of late Dr. Mujibur Rahman, Resident of Village and P.S. Nanpur, District- Sitamarhi.
5. Afsana Khatoon, Wife of Nezamuddin, Resident of Village Tisi, P.S. and District Madhubani.
6. Irfana, Wife of Khursheed Alam, Resident of Village- Sarai, Sattar Khan, P.S. Laheria Sarai, District- Darbhanga.
7. Imrana, wife of Anwar Hussain, Resident of Village- Bastwara, P.S. Simri, District- Darbhanga.
8. Shabana, Wife of Tanweerul Hasan, Resident of Village Sarai Sattar Khan, P.S. Laheria Sarai, District- Darbhanga.
9. Rabeya Khatoon Wife of Shamim Akhtar, Resident of Village and P.S. Nanpur, District- Sitamarhi.

... ... Respondent/s

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Appearance :
For the Appellants : Md. Kamil Akhtar, AC to AAG 5
For the Respondents : Md. Anisur Rahman, Advocate
Md. Khalid Anwar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
and
HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH)

5 06-11-2026 Heard learned counsel for the appellants and learned counsel appearing on behalf of the respondents.

2. The present Letters Patent Appeal has been preferred against the judgment dated 12.07.2024 passed by the learned Single Judge in *C.W.J.C. No. 3069 of 2011* whereby the order of dismissal dated 13.06.2005 and the subsequent appellate orders have been set aside on the ground of procedural irregularities in the departmental proceeding.

3. Learned counsel for the appellants submits that the departmental proceeding was initiated in the year 2002 and, therefore, the same was governed by the provisions of the Civil Services (Classification, Control and Appeal) Rules, 1930, and not by the Bihar CCA Rules, 2005. It is further submitted that the learned Single Judge has failed to appreciate that the departmental proceeding was conducted in accordance with the applicable rules and that the charges levelled against the delinquent employee were duly established in the inquiry.

4. We have considered the submissions advanced on behalf of the appellants and perused the impugned judgment.

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Even if the departmental proceeding was governed by the Civil Services (Classification, Control and Appeal) Rules, 1930, the same was required to be conducted in accordance with the principles of natural justice and by affording adequate opportunity to the delinquent employee to defend himself. The learned Single Judge has noticed that the statement of imputations, list of documents and list of witnesses were not furnished to the delinquent employee and that the complainant was not examined during the inquiry. These procedural infirmities have not been satisfactorily controverted by the appellants.

5. In the aforesaid circumstances, we do not find any ground to interfere with the judgment passed by the learned Single Judge. Accordingly, the present Letters Patent Appeal stands dismissed.

6. Pending interlocutory applications, if any, also stand disposed of.

(Prabhat Kumar Singh, J)

(Rana Vikram Singh, J)

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