**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Letters Patent Appeal No.250 of 2021**
**In**
**Civil Writ Jurisdiction Case No.17156 of 2019**

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1. The State of Bihar through the Principal Secretary, Rural Department, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Lakhisarai.
4. The Senior Deputy Collector, Lakhisarai.
5. The Circle Officer, Suryagarha Block, Lakhisarai.

... ... Appellant/s

Versus

Abhay Kumar Son of Late Balmiki Kunwar Resident of Village and P.O. - Farda, P.S. - Naya Ramnagar, District- Munger.

... ... Respondent/s

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**Appearance :**
For the Appellant/s : Mr. Vivek Prasad, GP 7
Mr. Binod Kumar Sinha, AC to GP 7
For the Respondent/s : Mr. Sunil Kumar, Advocate

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**
**and**
**HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**
**ORAL JUDGMENT**
**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date : 30-10-2025**

Heard learned counsel for the parties.

2. The present appeal has been filed for the following relief :-

> *"That the present Letters Patent Appeal is directed against judgment and order dated 24.02.2020 passed in CWJC no. 17156/2019 by Hon'ble Mr. Justice Chakradhari Sharan Singh whereby and where under the Hon'ble Single Judge has been pleased to allow the writ application and set aside the impugned order dated*

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*20.04.2015 passed by the disciplinary authority and order dated 16.11.2016 passed by the appellate authority being unsustainable in the law. Hon'ble Court directed the disciplinary authority to consider afresh, the report of inquiry officer and the materials available on record of the departmental enquiry and take a fresh decision in accordance with law, observing that it will open for him to exercise his power under Sub Rule 1 of Rule 18 of the Rules by remitting the case back to Inquiring Authority for further enquiry consequent upon quashing of the impugned order of dismissal and the appellate order and further the petitioner shall be required to be reinstated forthwith because of the manner in which the departmental enquiry has been concluded and the punishment has been imposed. The Hon'ble Court further directed that the petitioner shall be entitled to full back wages for the period during which he remained out of service because of illegal order of punishment."*

3. Following are the observations made by the learned Single Judge which are quoted herein below:-

*"64. I direct the disciplinary authority, in the facts and circumstances of the case, to consider afresh, the report of the inquiry officer and the materials available on record of the departmental enquiry, and take afresh decision in accordance with law. It will be open for him to exercise his power under sub Rule (1) of Rule 18 of the Rules*

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*by remitting the case back to the Inquiring Authority for further enquiry. Consequent upon quashing of the impugned order of dismissal and the appellate order, the petitioner shall be required to be reinstated forthwith. Because of the manner in which the departmental enquiry has been conducted and the punishment has been imposed, I direct that the petitioner shall be entitled to full back wages for the period during which he remained out of service because of illegal order of punishment.*

*65. This writ application is allowed accordingly in terms of the directions and observations as made hereinabove."*

4. From the perusal of records of the case it is apparent that the order of the learned Single Judge does not take away any right of the concerned parties, and the matter has already been remanded to the competent authority for taking a fresh decision in accordance with the law.

5. In addition to this, the department has already made compliance of the order awaiting the outcome of this appeal. We also could not find any impropriety in the said direction of learned Single Judge. Further, we find that there is no sufficient material available on record to substantiate the grounds of the present appeal. Therefore, the appeal is devoid of merit and not fit for interference.

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6. The present Letters Patent Appeal is accordingly dismissed.

7. Pending application(s), if any, shall stand disposed of.

**(Sudhir Singh, ACJ)**

**( Rajesh Kumar Verma, J)**

Vanisha/anushka

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
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