

(2007) 07 PAT CK 0134
In the Patna High Court
Case No : L.P.A. No. 703 of 2006

Satyendra Jha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 02-07-2007

Acts Referred:

Citation : (2007) 4 PLJR 445

Hon'ble Judges : Narayan Roy, J;Madhavendra Saran, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard Mr. Ambarnath Banerjee, learned counsel for the appellant and learned G.P. 5 for the State. This Letters Patent Appeal is directed against the order dated 7.9.2006 passed by the learned Single Judge of this court in C.W.J.C. No. 4037 of 2006.

2. It appears that the matter had travelled to this court in its writ jurisdiction twice. This court, at the initial stage, disposed of the writ application asking the authorities to give ample opportunity to the delinquent appellant, pursuant to which, notices were issued to the appellant to put forth his defence and when it was not done, the same notice was published in the newspaper, still then the delinquent evaded to file any reply. The matter, thereafter, was concluded and the order of dismissal was passed against him. The departmental appeal filed by the appellant, however, was also dismissed. The writ application in question thereafter was filed, which was disposed of by the order impugned.

3. Learned counsel for the appellant submitted that charges were not proved against the appellant and sufficient opportunities were not given to him to rebut the charges. It is also contended that the appellant had already filed reply to the show cause pursuant to the earlier direction of this court and in token of which a receipt was also filed.

4. Learned Single Judge of this court on appreciation of facts and submission of

the parties, held that there was nothing on record to show that the appellant ever filed any reply to the subsequent show cause notice issued to him nor he could lead evidence to rebut the charges. It is further held by learned Single Judge of this court that the receipt showing filing of reply to the show cause was without any seal nor the signature was authenticated and therefore, no reliance could have been placed on that to show that the reply was filed.

5. It appears to be a case of embezzlement of public money to the tune of Rupees seventeen lacs and odd. Departmental proceeding was initiated and enquiry was conducted where the appellant was found guilty and consequently, therefore, he was dismissed.

6. The questions now urged on behalf of the appellant, in our opinion, need not be allowed to be entertained again and again. Basically, disputed facts are being placed which are also beyond the domain of Article 226 of the Constitution and the learned Single Judge, therefore, rightly dismissed the writ application.

7. Having regard to the facts and circumstances of the case, we do not find any merit in this appeal. This Letters Patent Appeal is accordingly dismissed.