

(2023) 01 PAT CK 0012

In the Patna High Court

Case No : Letters Patent Appeal No. 72 Of 2020

State Of Bihar

APPELLANT

Vs

Vijendra Prasad

RESPONDENT

Date of Decision : 12-01-2023

Acts Referred:

Citation : (2023) 01 PAT CK 0012

Hon'ble Judges : Ahsanuddin Amanullah, J; Harish Kumar, J

Bench : Division Bench

Advocate : Shankar Kumar, Akhilesh Dutta Verma

Final Decision : Dismissed

Judgement

1. Heard Mr. Shankar Kumar, learned AC to AAG-7 for the State appellants and Mr. Akhilesh Dutta Verma, learned counsel for the respondent/writ petitioner.
2. The present appeal is directed against the judgment dated 21.10.2019 passed by the learned Single Judge in CWJC No. 18779 of 2019 by which the dismissal order against the writ petitioner has been set aside and cost of Rs. 20,000/- has been awarded against the appellants.
3. After some argument, learned counsel for the appellants submits that he would not be pressing the merits of the matter with regard to setting aside of the dismissal of the writ petitioner but the Court may interfere with the cost imposed by the learned Single Judge for the reason that the order was passed in good faith, without there being any mala fide. It was submitted that because the allegation against the petitioner was of accepting bribe, the authorities had passed the order and the learned Single Judge ought to have remanded the matter, which has not been done.
4. At this stage, when the Court asked learned State counsel for the appellants as to what would have been the purpose when in two enquiries, the petitioner has been given a clean chit, learned counsel fairly submitted that he would be

only pressing with regard to interference in the order imposing cost.

5. Learned counsel for the respondent submitted that the enquiry report not once but twice not only had exonerated the writ petitioner on cogent ground i.e., of not being connected in any way to the reason for being offered the so called bribe.

6. Having considered the rival contentions, especially, the stand taken by the learned counsel for the State before the Court, the Letters Patent Appeal stands disposed off without interfering in the order of setting aside the dismissal of the writ petitioner, but interfering with the order imposing cost.

7. Accordingly, the cost of Rs. 20,000/- imposed against the appellants stands set aside.