

**(2020) 09 PAT CK 0277**

**Patna High Court**

**Case No:** Letters Patent Appeal No. 633 Of 2019, Civil Writ Jurisdiction Case No. 15611 Of 2016

State Of Bihar And Ors

APPELLANT

Vs

Sanjay Kumar Singh And Anr

RESPONDENT

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**Date of Decision:** Sept. 23, 2020

**Hon'ble Judges:** Sanjay Karol, CJ; S. Kumar, J

**Bench:** Division Bench

**Advocate:** S.Raza Ahmad, Alok, Mrigank Mauli, Sanjay Kumar

**Final Decision:** Disposed Of

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**Judgement**

The delay in filing the appeal, as mutually agreed, is condoned.

I.A. No. 01 of 2019 stands allowed.

The present appeal has been preferred against the judgment and order dated 03.12.2018 passed by a learned Single Judge of this Court in C.W.J.C.

No. 15611 of 2016, titled as Sanjay Kumar Singh Vs. The State of Bihar & Ors. whereby the writ petition stands allowed.

Learned counsel for the State-appellant clarifies that the State is aggrieved only with that part of the impugned judgment whereby direction stands

issued for the enquiry to be conducted subsequent to the submission of charge-sheet. The relevant portion of that part of the impugned order, of which

the State is aggrieved, reads as under :-

“The Enquiry Officer will proceed with the enquiry after submission of the charge-sheet as per law settled by the Hon<sup>ble</sup> Apex Court in the

judgments aforesaid.”

After the matter was heard for some time, learned counsel jointly prayed that the appeal be disposed of on the agreed terms. Ordered accordingly.

The observation made, reproduced supra, shall stand omitted to read that criminal investigation and the disciplinary enquiry shall proceed

simultaneously. But, however, disciplinary proceeding shall positively be completed within a period of one year from today. This is as per Circular No.

4010 of 2006 dated 28.2.2007 of General Administration Department, Government of Bihar.

Further, since the matter is pending consideration since the year 2016, we direct that both the investigation as also the disciplinary proceedings be

positively completed within the aforesaid period.

Needless to add, the authorities shall take appropriate action in accordance with law.

The appeal stands disposed of in the aforesaid terms.