



2026:PATHC:41692-DB

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.826 of 2024

In

Civil Writ Jurisdiction Case No.4903 of 2023

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Dinbandhu Pandey Son of Late Vidya Pandey Resident of Village- Parsauni,
P.S. Nautan, District-West Champaran, AT Present Resident of Raxaul, P.S.
Raxaul, District-East Champaran (Bihar), Pin Code- 845305, UDAI Aadhar
No. 58927985591.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue , Old Secretariat, Bihar, Patna.
2. The District Magistrate-cum-Collector, East Champaran at Motihari.
3. The Additional Collector, East Champaran, Motihari.
4. The Sub-Divisional Officer, Sikrahana at Dhaka, District-East Champaran.
5. The Deputy Collector, Land Reforms, District-East Champaran, Motihari.
6. The Anchaladhikari , Ghorasahan Anchal, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bishwajeet Kumar, Advocate
For the State	:	Mr. Kurshid Alam- AAG-12
		Mr. Shailendra Kr. Dwivedi, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 30-04-2026

Heard learned counsel for the parties.

2. The present *intra* court appeal has been preferred against the order dated 16.07.2024, passed in CWJC No. 4903 of 2023, whereby the learned Single Judge has dismissed the writ petition.

3. The brief facts of the case are that the appellant





(writ petitioner) was working on the post of Revenue Clerk. Subsequently, an allegation was made against the appellant that he had mutated names of certain private persons against the government land, and a memorandum of charge was served upon him. An inquiry was conducted against the appellant, and he was found guilty, after being provided an opportunity of hearing. The appellant was further asked to submit a reply to the 2nd show cause notice, *vide* memo dated 28.07.2020. The appellant submitted his reply, and upon considering the charges, the inquiry report and the reply to the 2nd show cause, a reasoned order of punishment has been passed by the District Magistrate, Motihari, whereby the appellant has been dismissed from the service.

4. The appellant moved to this court in C.W.J.C. No. 5388 of 2021, which was disposed of with liberty to the appellant to prefer an appeal before the competent Appellate Authority. Pursuant thereto, the appellant filed a statutory appeal, which was dismissed *vide* order dated 18.01.2023 passed by the Divisional Commissioner in Service Appeal No. 91 of 2020. Thereafter, the appellant preferred the impugned writ petition, which came to be dismissed.

5. The learned Single Judge while dismissing the writ





petition held that there was no procedural error in the disciplinary proceeding conducted against the petitioner. The learned Single Judge further upheld the inquiry report and found no error on part of the Inquiry Authority. The relevant part of the impugned judgment dated 16.07.2024, is reproduced as under:

“18. On careful perusal of the report of the Inquiry Officer, I find that Inquiry Officer held that the accused was not only negligent, but purposefully made wrong records (mutation) in respect of different lands which are not capable to be mutated in the names of private persons.

19. The Inquiry Officer took great pain to come to his finding on due examination and consultation of relevant records and registers. Therefore, Petitioner’s allegation that the Inquiry Officer was biased has no leg to stand.

20. The charge against the Petitioner was held to be proved by the Inquiry Officer. The District Magistrate, being the Disciplinary Authority, imposed penalty of dismissal from service. The order of the Appellate Authority also shows application of mind.

21. It is pertinent to mention here that while exercising the power of judicial review under Article 226 of the Constitution of India, this Court does not sit in appeal. It is for the Court to consider as to whether the relevant provisions of Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 have been complied with or not. There is no procedural error as alleged by the learned Advocate for the Petitioner. When a fact is proved on the basis of documentary evidence, document speaks for itself and no amount of oral evidence is necessary in a departmental proceeding. So far as placing evidence before the Inquiry Officer is concerned, there is a mark difference between a judicial proceeding and a departmental enquiry. In a judicial proceeding, a document cannot be marked exhibit without the contents thereto being





proved by its maker or custodian. The rule with regard to admissibility of electronic and digital records are specifically delineated in the Bhartiya Sakshya Adhiniyam, 2023.

22. In the instant case, however, no electronic or digital record was placed and considered before the Inquiry Officer.

23. Therefore, on due consideration of entire materials on record, I find that the Petitioner was rightly punished in the departmental enquiry. I do not find any scope to spill ink over the findings of the Inquiry Authority, Disciplinary Authority and the Appellate Authority. From the enquiry report, I also do not find any semblance of bias of the Inquiry Officer reflected in course of enquiry.

24. The instant writ petition is accordingly dismissed on contest.

25. However, there shall be no order as to costs."

6. Learned counsel for the appellant submits that while the appellant was working as a Revenue Clerk, he came to know about certain illegal mutations done by the Circle Officer, against which he filed a complaint dated 06.10.2017, before District Magistrate, Motihari. Thus, due to his complaint against his superior officers, he was subjected the impugned action of authorities.

7. Learned counsel for the appellant further submits that his reply to the show cause has not been properly considered by the authorities and as such there is violation of principles of natural justice, and the entire disciplinary proceeding, including the inquiry and the order passed by the





Appellate Authority, is vitiated as being violative of Rule 17(4) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005. Learned counsel further submits that punishment inflicted upon the appellant is not in conformity with the Rule 14 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005. As such, the punishment inflicted upon the appellant is disproportionate.

8. Learned counsel for the respondents submit that the learned Single Judge rightly passed the impugned order after carefully going through the facts and circumstances of the case. The appellant was found guilty of a serious misconduct and disciplinary proceeding was conducted against him. The appellant has also been given ample opportunity of hearing. As such, the order of learned Single Judge warrants no interference.

9. The limited question that arises for consideration is that whether in the present facts and circumstances of the case, the order of the learned Single Judge warrants any interference.

10. Upon perusal of materials on record, it is evident that serious allegations of misconduct were raised against the appellant. The Inquiry Officer has dealt the same in detail in his report and came to the conclusion that the appellant was not only negligent, but committed serious misconduct by mutating





names of private persons in respect to the government land. It is also not in dispute that the appellant has been given sufficient opportunity of hearing as per the relevant rules. The appellant was asked to submit reply to the show cause, which was submitted by him. The concerned authority considered the same in its detailed order, as contained in Annexure-6 to the writ petition. Further the appellate authority, i.e., the Divisional Commissioner has also passed a speaking order, as contained in Annexure-A to the writ petition, after providing an opportunity of hearing.

11. Under these circumstances the appellant has failed to prove that any procedural error was committed on part of the respondent authorities, violating the principles of natural justice and the relevant rules the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005. The learned Single Judge has already discussed in detail about procedural correctness in the act of respondent authorities. The relevant paragraphs of which have already been reproduced above.

12. The appellant has further taken a plea that the punishment inflicted upon him is not in conformity with Rule 14 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005. Though this plea was not taken before the





learned Single Judge, however, after going through the reply to the show cause submitted by the appellant, and the findings of the disciplinary authority, this Court is of the view that the appellant has been unable to explain the charges by cogent material evidence which may be treated as accidental slip or negligent act on his part.

13. The appellant who himself is custodian of all types of Revenue Records, cannot take such an untenable plea that he was not aware about the nature of land sought for mutation. The proved service misconduct of the appellant amounts to creating a parallel revenue document, inconsistent with the original revenue records. Therefore, the penalty of dismissal of service, as affirmed by the learned Single Judge, require no interference on the ground of doctrine of proportionality.

14. The scope of a Letters Patent Appeal is very limited, and the Court has to decide the case within the ambit of such limited scope. In exercise of jurisdiction under LPA, the court would normally not interfere in the findings of the learned Single Judge, unless the same is shown to be perverse or based on no evidence. There must be cogent reasons to interfere in the finding of the learned Single Judge. At this juncture, it is





pertinent to take note of the judgment rendered by the Hon'ble Supreme Court while deciding the case of ***Umabai v. Nilkanth Dhondiba Chavan*** reported in ***(2005) 6 SCC 243***, wherein following observation was made:

“52. It may be, as has been held in Asha Devi [(1974) 2 SCC 492] that the power of the appellate court in intra-court appeal is not exactly the same as contained in Section 100 of the Code of Civil Procedure but it is also well known that entertainment of a letters patent appeal is discretionary and normally the Division Bench would not, unless there exist cogent reasons, differ from a finding of fact arrived at by the learned Single Judge. Even as noticed hereinbefore, a court of first appeal which is the final court of appeal on fact may have to exercise some amount of restraint.”

15. It is also relevant to take note of the Judgment of the Hon'ble Supreme Court in ***Narendra & Co. (P) Ltd. v. Workmen*** reported in ***(2016) 3 SCC 340***, wherein the following observation was made:

“5.Be that as it may, in an intra-court appeal, on a finding of fact, unless the Appellate Bench reaches a conclusion that the finding of the Single Bench is perverse, it shall not disturb the same. Merely because another view or a better view is possible, there should be no interference with or disturbance of the order passed by the Single Judge, unless both sides agree for a fairer approach on relief.”

16. In view of the discussions made above, and the settled principles of law, we find no illegality or perversity in the order of the learned Single Judge.





17. Accordingly, the present *intra* court appeal stands dismissed.

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

(Sudhir Singh, J)

(Shailendra Singh, J)

Anushka/-

AFR/NAFR	AFR
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