

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 1107 of 2021

Ashutosh Kumar, aged about 42 years, son of Srikrishna Kumar, resident
of Raj High School Road, Pakur, P.O. & P.S. Pakur, Dist. Pakur.

..... **Petitioner**

Versus

1. State of Jharkhand
2. Principal Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Govt. of Jharkhand, Project Building, P.O. & P.S. Dhurwa, Dist. Ranchi.
3. Joint Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Govt. of Jharkhand, Project Building, P.O. & P.S. Dhurwa, Dist. Ranchi.
4. Deputy Commissioner, Chatra, P.O. & P.S. Chatra, Dist. Chatra

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Santosh Kr. Tiwari, Advocate
For the Respondents : Mr. Divyam, AC to SC-IV

09/ 09.04.2026 The instant application has been preferred for following
reliefs:

(i) For issuance of an appropriate writ(s)/order (s)/direction(s) or a writ in nature of certiorari for quashing the Resolution contained in Memo No. 1490 dated 10.2.2021 (Annexure-8) issued under the signature of Joint Secretary, Department of Personnel, Administrative Reforms and Raj Bhasha (Respondent No.3) by which the impugned order has been issued in which the petitioner has been communicated the decision of the competent authority about his dismissal from the service under the provision of Rule 14 (XI) of Jharkhand Government Servants (Classification, Control and Appeal) Rule 2016 and the aforesaid decision has been taken pursuant to the departmental proceeding.

(ii) For issuance of an appropriate writ(s)/order (s)/direction(s) or a writ in nature of mandamus commanding upon the respondents restraining them to give effect to the impugned resolution dated 10.2.2021.

(iii) For issuance of an appropriate writ(s)/order (s)/direction(s) or a writ in nature of certiorari for quashing of the inquiry report dated 6.6.2019 along with second show cause notice vide letter no. 9203 dated 20.11.2019 (Annexure-6 series) where the inquiry officer has given the finding that all the charges have been proved against the petitioner.

(iv) For issuance of an appropriate writ(s)/order (s)/direction(s) or a writ in nature of mandamus commanding upon the respondents to reinstate the petitioner into service once the petitioner is directed to be reinstated after setting aside the order of dismissal and to pay all consequential benefits to the petitioner.

2. At the outset, learned counsel for the petitioner submits that the impugned order of termination suffers from procedural irregularities in view of the fact that no oral witness has been examined and the documents which has been relied by the respondent-authorities was not kept for ordinary course of business; as such, as per the settled law, due to want of examination of oral witness, the impugned order is vitiated.
3. Learned counsel for the respondents submits that grave charge of defalcating Rs.6.00 crores approx. was levelled against the petitioner and other co-accused. However, he fairly admits after going through the charge-sheet that oral witness has not been examined and the punishment order has been issued on the basis of different reports of internal enquiries and as such, he submits that, at best, the matter may be remitted back and some time may be given to the respondent-authorities so that the fresh order shall be passed by curing the procedural irregularities committed earlier.
4. Having regard to the aforesaid submissions, without going into the merits of the case, the impugned order dated 10.2.2021 (Annexure-8) and inquiry report dated 6.6.2019 along with second show cause notice vide letter no. 9203 dated 20.11.2019 (Annexure-6 series) are quashed and set aside on the ground that it suffers from procedural irregularities, inasmuch as, now it is settled principle of law that any document/ charge has to be proved by oral witness and the enquiry officer has to act as an Umpire and not as the representative of the department.
5. However, looking to the gravity of charge and also after considering the submission of the respondent-State, the matter is

remitted to respondent no. 4 with a direction to proceed in accordance with law and applicable rules and regulations and thereafter, pass a fresh order within a period six months from the date of receipt/ production of a copy of this order.

6. Accordingly, the instant writ application stands disposed of.

(Deepak Roshan, J.)

9th April, 2026

Kunal/-

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