

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 152 of 2022

Bishwanath Majee Appellant

Versus

1. The State of Jharkhand
2. The Principal Secretary, Ministry of Home Affairs, Government of Jharkhand, Project Building, P.O. & P.S. – Dhurwa, District-Ranchi.
3. The Deputy Inspector General of Police, Coal Belt, Bokaro, at P.O. & P.S. & District- Bokaro
4. The Superintendent of Police, Dhanbad at P.O., P.S. & District-Dhanbad. Respondents

CORAM: SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.

For the Appellant: Mr. V.P. Singh, Sr. Advocate
Mr. Swapan Maji, Advocate
Mr. Asit Baran Mahata, Advocate
For Respondents Mr. Navneet Toppo, A.C. to G.P.-I.

08/Dated: 17.05.2023

Upon hearing the learned counsel for the parties, this Court passed the following, (Per Sanjaya Kumar Mishra, C.J.)

ORDER

- 1) In this case, the appellant, being the petitioner in W.P. (S) No.4956 of 2015, has assailed the order passed by the learned Single Judge on 07.03.2022, whereby the writ petition was dismissed.
- 2) Learned Senior Counsel Mr. V.P. Singh would confine his argument to the limited aspect regarding non-compliance of the principles of natural justice.
- 3) It is borne out from the records that the petitioner-appellant has taken a plea about non-compliance of the principles of natural justice in the sense that he was never granted any opportunity to cross-examine the witnesses before the appellate authority and the appellate authority has not considered this aspect, but, unfortunately, the petitioner has not pleaded in this respect in the writ application. In that view of the matter, the learned Single Judge did not consider the

question of non-compliance of the principles of natural justice in the departmental proceeding.

4) After filing this Letters Patent Appeal the petitioner has filed an application for amendment of the writ application to incorporate this question of non-compliance of principles of natural justice which, in our considered opinion, is a very important aspect to be considered as it is stated that the witnesses were examined in his presence but he was never allowed to cross-examine the witnesses. In that view of the matter, we are inclined to allow the application for amendment. Accordingly, I.A. No. 2554 of 2023 is allowed.

5) Since the pleading has to be reconsidered, we consider it appropriate to remand the matter back to the learned Single Judge for reconsideration after amendment, after affording reasonable opportunity of filing additional counter affidavit to the State, if so desired.

6) In the result, this appeal is allowed. The order dated 07.03.2022 passed by the learned Single Judge is hereby set aside and the matter is remanded back to the learned Single Judge for reconsideration after amendment. The petitioner-appellant shall do well to file the amended writ petition within ten days after ensuing vacation.

7) Pending Interlocutory Applications, if any, stand disposed of.

8) No orders as to costs.

9) Urgent Certified copies as per Rules.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)

Manoj/MM