

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1553 of 2023**

Chhote Lal Prasad

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Syed Alamdar Hussain, Adv.  
Mr.Shashi Bhushan Kumar, Adv.

For the Respondent/s : Mr.Prem Kumar, Adv.  
Mr.Prashant Pratap, GP-2

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4 11-03-2024

1. The learned counsel for the petitioner, has at the outset, raised the issue of validity of the charge framed vide *Prapatra (Ka)* dated 04.10.2018, issued and served upon the petitioner by the Child Development Project Officer, Karahgar, Rohtas. The learned counsel for the petitioner has submitted that vide Memo dated 03.08.2018, the District Magistrate, Rohtas at Sasaram had issued order of suspension of the petitioner, as also had directed the Child Development Project Officer, Karahgar, Rohtas to frame charge-sheet in *Prapatra (Ka)* and send the same along with the evidences, to him, through the District Programme Officer, Rohtas at Sasaram.

2. It appears that in compliance thereof, the Child Development Project Officer, Karahgar, Rohtas, had sent the charge-sheet in *Prapatra (Ka)*, vide letter dated 04.10.2018 to the District Programme Officer, Rohtas at Sasaram, however, apparently, the same has been served upon the petitioner under



the pen and signature of the Child Development Project Officer, Karahgar, Rohtas. Thus, it is submitted that since the appointing/disciplinary authority of the petitioner i.e. the District Magistrate, Rohtas at Sasaram has not framed and issued the charge-sheet dated 04.10.2018, which bears the signature of the Child Development Project Officer, Karahgar, Rohtas, the same is nonest in the eyes of law. Reference in this connection has been made to a judgment rendered by the Supreme Court of India in the case of Union of India & Ors. vs. B.V. Gopinath & Ors., reported in 2014 (1) SCC 351 : 2013 (4) PLJR 272 (SC).

3. Let the District Magistrate, Rohtas at Sasaram, file an affidavit, duly sworn by him, on the aforesaid aspect of the matter, on or before the next date of hearing, failing which, it would be deemed that the appointing/disciplinary authority has not either framed the charges in *Prapatra (Ka)* or issued the same under its authority.

4. List on 19<sup>th</sup> of March, 2024 at 02:15 p.m., as the first case.

**(Mohit Kumar Shah, J)**

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