

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7337 of 2014

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Jay Shankar Singh Son of Sri Shashi Bhushan Prasad Singh, Resident of
Village - Gilanichak, P.O. Telmar, P.S. - Chandi, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna
3. The Divisional Commissioner, Patna Division, Patna
4. The District Magistrate, Patna.
5. The Sub-Divisional Officer, Patna Sadar, Patna.
6. The Additional Collector, Department Enquiry-cum-Conducting Officer, Patna.
7. The Additional Collector, Patna.
8. The Circle Officer, Patna Sadar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. K.N. Singh, Sr. Adv.
Mr. Arun Kumar

For the Respondent/s : Mr. Ranjan Kumar, AC to AAG-IV

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 01.03.2014 (Annexure-1) passed by the respondent District Magistrate-cum-Collector, Patna, whereby the petitioner has been visited with the punishment of dismissal from service under the provisions of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (in short “Rules, 2005”).

Indisputably, against the impugned order of punishment an appeal does lie before the prescribed appellate authority in terms of Rules 23 and 24 of the Rules, 2005.

In that view of the matter, learned senior counsel appearing on behalf of the petitioner seeks permission to withdraw this writ petition with a liberty to file an appeal in terms of Rules 23 and 24 of the Rules, 2005 before the

prescribed appellate authority within a period of four weeks.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It is clarified that if such an appeal is filed on behalf of the petitioner within the aforesaid period of four weeks with a certified copy of the present order and if it is found that it has become barred by limitation and if the prayer is made for condonation of delay, then the appellate authority shall take into consideration that on a bonafide legal advise the present writ petition was filed before this Court on 16.04.2014 and it remained pending before this Court till date and thereafter shall pass an appropriate order.

It further goes without saying that if such an appeal is filed on behalf of the petitioner within the aforesaid period of four weeks, then the same shall be heard and decided at an early date.

(Birendra Prasad Verma, J)

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