

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1508 of 2012

IN

Civil Writ Jurisdiction Case No. 10811 of 2012

=====

1. Santosh Kumar Son Of Sri Nitya Nand Jha Resident Of Village - Gara Tola, P.S.
- Phulparas, District - Madhubani

.... Appellant/s

Versus

1. The State Of Bihar through The Principal Secretary Of Finance Department,
Govt. Of Bihar, Patna
2. The Principal Secretary-Cum-Commissioner, Commercial Taxes Department,
Govt. Of Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Satish Chandra Jha

For the Respondent/s : Mr. Vishwa Bibhuti Kumar

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-07-2015

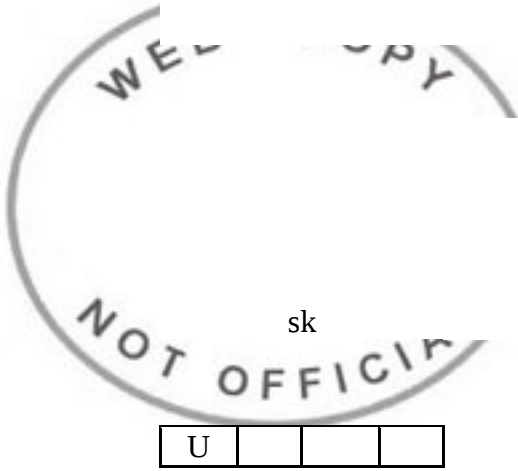
The contention of the counsel for the appellant is that since the order of punishment has been passed by the Government, therefore, he cannot move an appeal against the order of Government.

The submission of the counsel is absolutely erroneous and flawed for the reason that the order passed is of an authority of the Department and not Government as such. Such an order of punishment has been passed under rules of executive business. It does not mean that the decision is of the State as a whole.

No interference is warranted with the impugned order. Let

the appellant avail remedy of appeal.

Appeal is dismissed.



(Ajay Kumar Tripathi, J)

(Rajendra Kumar Mishra, J)

U			
---	--	--	--