

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2223 of 2015

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Harendra Kumar Singh S/o Narayan Singh Resident of Village Thumol,
P.S. Ghanshyampur, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
3. The Excise Commissioner, Department of Excise, Govt. of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The Excise Superintendent, Madhubani.
6. The Excise Inspector, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar

For the State : Mr. Vikash Kumar, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

3 26-02-2015 Heard learned counsel for the petitioner and

learned counsel for the State.

At the outset this Court has made it clear that since there was a statutory remedy of appeal available to the petitioner, the matter would only be considered if the respondents are unable to resolve the issue raised by the petitioner regarding non-issuance of any show cause or non-compliance of the principles of natural justice.

In the counter affidavit filed on behalf of the respondents it is stated that the show cause notices had been

issued and copies of the same have been brought on the record and it is not in dispute that the same contain the signatures of the employees of the petitioner in token of receipt of the same although the stand of the petitioner is that employees have subsequently been called to the Excise office and forced to sign the same. In the aforesaid circumstances, the same become disputed questions of fact which may not be possible for this Court to examine in a writ proceeding.

The writ application is, therefore, dismissed with liberty to the petitioner to approach the statutory appellate authority.

It is made clear that we have not examined the matter on its merit and it shall be open to the petitioner to take all pleas on facts and law in case he files the appeal before the appellate authority

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

S.Pandey/-

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