

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10246 of 2008

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Mahendra Prasad Rai, snl Basudeo Rai, rv- Chapahi, P.O- Chapahi, P.S.-
Rajnagar, Dist- Madhubani, through dismsised Panchayat sEvak of Rahika
Block, Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Darbhanga Division,
Darbhanga.
2. District Magistrate, Madhubani.
3. Block Development Officer, Rahika, Madhubani
4. Circle Officer, Sadar, Madhubani
5. Assistant Planning Officer, District Development Officer, Madhubani
6. District Panchayat Raj Officer
7. Narendra Jha, Son of Ram Chandra Jha, P.S and Village- Sakari,
Dsitric- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr.M.P.Shukla, Advocate.

For the Respondent/s : Mr. Sanjay Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 10-08-2015

Heard learned counsel for the parties.

2. When this Court would find that the petitioner has assailed only the appellate order dated 31.07.2007 rejecting the appeal of the petitioner on the ground of limitation and to that extent it would also find that the petitioner himself had not gone to explain the delay over four years in filing his appeal, as contained in Annexure-5 of the writ application, this Court will have no difficulty in holding that the Divisional Commissioner was not in error in rejecting the appeal of the petitioner.

2. Let it be noted that the order of punishment against the petitioner was passed on 31.07.2003 by the Collector of the District, being the disciplinary authority, and against this order dated

31.07.2003, the petitioner had allegedly filed an appeal on 03.04.2007. from the memo of appeal it is found that the petitioner was sent to jail for a period of six months and as to when this period of six months had come to an end even that had not been explained by the petitioner.

3. Learned counsel for the petitioner, however, wants to this Court to rely on Annexure-4 series to contend that the petitioner was seriously ill. These medical certificates dated 25.03.2004, 25.07.2005 and 08.04.2008 having been not filed by the petitioner before the appellate authority; they could not have been taken into consideration for condonation of delay in filing of the appeal. Thus, this Court would not find any error in the appellate order rejecting the appeal of the petitioner which was filed after four years of the impugned order of punishment.

4. This Court could have still gone into the correctness of the original order of punishment dated 31.07.2003 but then that also has not been brought on record much less assailed in this writ application. That would mean that the petitioner was merely doing a formality by filing this writ application.

5. That being so, this writ application must fail and is, accordingly, dismissed.

Sujit/-

(Mihir Kumar Jha, J)

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