

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10518 of 2008**

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Brahmdeo Kamat, son of Yugeshwar Kamat, resident of village- Tisiyahi,  
P.O. Tyoth, P.S. Benipatti, District- Madhubani

.... .... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The Deputy Development Commissioner, Madhubani
4. The Addl. District Magistrate-cum- Conducting Officer, Madhubani
5. The Block Development Officer, Khutauna Block
6. The Block Development Officer, Lakhnaur Block
7. The Block Welfare Officer, Khutauna Block

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Iqbal Asif Niazi  
Mr. Binod Kumar

For the Respondent/s : Mr. GP-7

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

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4      24-04-2015                      Heard learned counsel for the petitioner and Sri  
Dhurjati Kumar Prasad, learned Govt. Pleader no.7.

The petitioner, invoking writ jurisdiction of this Court under Section 226 of the Constitution of India, has prayed for quashing of an order, whereby the petitioner has been dismissed from service and punishment order has been passed in a Departmental Proceeding.

At the very outset, a preliminary objection has been raised that in view of Bihar Government Servants (Classification Control and Appeal) Rules, against the order of punishment, the petitioner is having statutory remedy of appeal under the Act. In

view of the fact that there is statutory remedy available to the petitioner, the Court is not inclined to interfere with the matter. In stead of passing any positive order, the writ petition can be disposed of granting liberty to the petitioner to avail statutory remedy of appeal.

If such appeal is filed within eight weeks from today, the Court expects that the appellate authority ignoring the delay may entertain the appeal and pass appropriate order in accordance with law.

It goes without saying that the period consumed in pursuing the writ petition may be excluded while considering the limitation matter.

With above observation and direction, the writ petition stands disposed of.

**(Rakesh Kumar, J)**

NKS/-

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