

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2937 of 2016

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Madan Prasad Singh Son of late Shukdeo Prasad Singh Resident of Village- Tetia,
P.O- Tetia Bamber, P.S-Sangrampur, District Munger.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar New Secretariat, Patna.
3. The Director of Primary Education, Govt. of Bihar, New Secretariat, Patna.
4. The Regional Deputy Director of Education, Tirhut Pramandal Muzaffarpur.
5. District Education Officer, Vaishali at Hajipur.
6. District Programme Officer (Establishment), Vaishali at Hajipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Respondent/s : Mr. Nikhil Kumar Agrawal, AC to GA1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-11-2016

Heard Mr. Jagannath Singh, learned counsel for the petitioner, and Mr. Nikhil Kumar Agrawal, AC to GA1, for the State.

Although the petitioner has questioned the order dated 11.1.2016 of the Director, Primary Education, impugned at Annexure 6, whereby the petitioner has been dismissed from service, inter alia, also on ground of denial of reasonable opportunity but Mr. Agrawal, learned State counsel, with reference to an earlier order of this Court enclosed at Annexure 'A' to the counter affidavit has submitted that the initiation of the proceeding was earlier questioned by the petitioner alongwith some others in reference to pending vigilance case but was not interfered with. He further submits that the order



under challenge is appealable under the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules') and the petitioner would be at liberty to establish his contentions before the appellate forum.

In the circumstances so discussed above, I deem it proper to dispose of this writ petition with a liberty to the petitioner to exhaust the appellate remedy so available to him under 'the Rules' and since admittedly the limitation prescribed under Rule 25 of 'the Rules' for filing an appeal has expired during the pendency of the writ petition, it goes without saying that if the petitioner would prefer an appeal within 30 days from today together with an application for condonation of delay, the appellate authority shall proceed to consider and dispose of the appeal on its merits in accordance with law and with opportunity of hearing to the petitioner expeditiously and preferably within three months from the date of receipt/ production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2016
Transmission Date	NA

