

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17104 of 2008

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Md.Rasiuddin s/o Late Abdul Kadar, r/v- Prem Nagar, P.S. – Araria, District -
Araria

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue department,
Government of Bihar, New Secretariat, Patna
2. District Magistrate, Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Adv.

For the Respondent/s : Mr. Amit Bhushan (AC to GP-17)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 17-02-2017

Heard Mr. Mrigank Mauli learned counsel for the
petitioner and Mr. Amit Bhushan learned A.C. to G.P.-17.

The petitioner by filing this writ petition seeks quashing
of the order as contained in Memo No. 987 dated 29.10.2008 at
Annexure-1 by which the petitioner has been dismissed from service.

The admitted facts which are relevant for the disposal of
this case are that the petitioner was working as Driver in the
Collectorate, Araria. The petitioner was made accused in Araria P.S.
Case No. 278/1999 under Section 302 and other sections of the Indian
Penal Code. After trial the petitioner was convicted vide judgement
and order dated 26th September, 2006 passed in Sessions Trial No.
189/2001. The petitioner preferred Cr. Appeal 973/2006 and he was
enlarged on bail, and his suspension was revoked. Thereafter, without



giving notice to the petitioner, the services of the petitioner has been terminated by the order, as contained in Annexure-1.

Learned counsel for the petitioner submits that against the order of dismissal there is an appeal before the Commissioner and therefore, he may be allowed to withdraw this writ petition, so that the petitioner may file appeal against the aforesaid order before the Commissioner and raise all the points.

Learned counsel for the State did not raise any objection. Accordingly, the writ petition is disposed of as withdrawn, so that the petitioner may file appeal before the Commissioner. The Commissioner shall preferably pass order for condoning limitation in filing the appeal as the petitioner without exhaustive alternative remedy filed this writ petition which remained pending for years in this court.

(Prabhat Kumar Jha, J.)

Vinita/-

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

