

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7217 of 2017

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DHARMENDRA KUMAR SON OF SRI SURESH PRASAD YADAV, RESIDENT OF
MUHALLA BABU TOLA, NEAR BLOCK OFFICE, POLICE STATION BANKA,
DISTRICT BANKA Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, FOOD AND
CONSUMER PROTECTION DEPARTMENT, BIHAR
 2. THE COLLECTOR, BANKA
 3. THE DISTRICT PANCHAYATI RAJ OFFICER, BANKA
 4. THE DISTRICT MANAGER, STATE FOOD CORPORATION, BANKA AND
 5. THE BDO, FULLIDUMAR, BANKA Respondents
- =====

Appearance :

For the Petitioner : Mr. Rajib Ranjan Jha, Advocate
For the Respondents : Mr. Arvind Ujjwal, SC4

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 15-05-2017 The petitioner prays for setting aside order dated

15.3.2017, issued by respondent no.2 by which his service as

Rural Extension Volunteer cum In-charge, Block Agriculture

Officer, Fullidumar, presently at Chandan, has been dismissed.

He submits that while he was working on the said post, he was

deputed as in-charge purchase center of Block Level Purchase

Center, Fullidumar for the year 2011-12 vide memo no. 755

dated 9.12.2011, issued by respondent no.2 he was authorized to

purchase and store paddy crops from the PACS and the farmers

as well on the fixed rates and transfer the same to the millers as

per SIO. The petitioner purchased 24440.20 quintals paddy for

the year 2011-12 and issued 22723.5 quintals paddy to the

miller, and thus 1716.70 quintals of paddy remained with him.



It appears that the aforementioned remaining paddy was not found at the purchase centre godown at the time of inspection, which caused lodging of the FIR against the petitioner, in which the petitioner was granted anticipatory bail by this Court. In the meantime, disciplinary proceeding was also started and the petitioner was dismissed by the order of the Collector, Banka. The petitioner has challenged the said order.

In my view, the writ petition filed by the petitioner against the order of the Collector, Banka is premature as the petitioner has the remedy of filing statutory appeal under the CCA Rules.

If the appeal is filed, it is expected that the delay in filing appeal will be considered sympathetically by the appellate authority, as the petitioner was pursuing the remedy before this Court.

This court has not expressed its opinion on the merits of the case.

The writ petition is disposed of with the aforesaid observations.

(Samarendra Pratap Singh, J)

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