

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16891 of 2014

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Ajay Kumar Rai, son of Late Birendra Kumar Rai, resident of Village-Badlachak, P.O.- Dhankuria, P.S.O- Belhar, District- Banka.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Dept. of Excise and Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner, Govt. of Bihar, Patna.
3. The Joint Commissioner, Excise, Govt. of Bihar, Patna.
4. The Deputy Secretary, Dept. of Registration, Excise and Prohibition, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhakar Singh, Advocate.

For the Respondents : Mr. Lalit Kishore, P.A.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-09-2017 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The following relief has been sought for on behalf of
the petitioner in the present writ application.

“1.That this application for issuance of appropriate writ/writs in the nature of certiorari for quashing of the notification contained in Memo No. 4574 dated 21.09.2012 issued by the Deputy Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna, whereby and whereunder punishment of stoppage of two increments with non-cumulative effect as well as warning has been imposed upon the petitioner as well as to grant consequential benefits accruing



to the petitioner as a result of quashing of the Memo No. 4574 dated 21.09.2012 issued by the Deputy Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna, is directed in the following facts and circumstances of the case”.

Considering the relief sought for on behalf of the petitioner, the petitioner is directed to prefer an appeal before the respondent no. 1, the Secretary, Department of Excise and Prohibition, Bihar, Patna. The respondent no. 1, the Secretary, Department of Excise and Prohibition, Bihar, Patna, shall dispose of the appeal of the petitioner within a period of five months from the date of receipt/production of such appeal taking into account the orders passed in C.W.J.C. No. 19778 of 2012 dated 18.01.2013 and C.W.J.C. No. 14340 of 2013 dated 25.02.2014 where similarly situated persons as that of the petitioner have been granted similar relief. The respondent no. 1 further must take note of Clause 4 (c) of the State Litigation Policy, while passing the order.

With the aforesaid observations and directions, the present writ application stands disposed of.

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(Sudhir Singh, J)

