

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15134 of 2010

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Surendra Sharma S/O Late Ram Panpan Sharma @ Chamru Singh R/O
Village- Mahajpura, P.S.- Bikram, Distt.- Patna, presently posted as
Laboratory Assistant, District Institute of Education & Training, Bikram,
Distt.- Patna

.... Petitioner

Versus

1. The State of Bihar through Human Resources Development Department
2. The Director, Research & Training, Bihar, Patna
3. The Director (Secondary Education), Bihar, Patna
4. The R.D.D.E., Patna Division, Patna
5. The District Education Officer, Patna
6. The Principal, District Education & Training Institute (DIET), Bikram,
Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma

For the Respondent/s : Mr. AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 10-05-2017 Heard learned counsel for the petitioner and learned
AC to Govt. Pleader no.12.

The petitioner has directly approached this Court
against the order of punishment i.e. Annexure-15 to the writ
petition, whereby after receipt of the report of the Enquiry Officer,
the disciplinary authority has passed order of punishment, which is
minor punishment.

It was pointed out by learned State Counsel that
without availing statutory alternative remedy, the petitioner has
directly approached this Court. The Court is of the opinion that if



there was already statutory remedy available to the petitioner under the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, there is no reason to entertain the present writ petition. Instead of passing any positive order, the writ petition stands disposed of granting liberty to the petitioner to avail statutory remedy.

The writ petition stands disposed of.

It goes without saying that the period consumed by the petitioner in pursuing the present writ petition i.e. from 09.09.2010 till date shall be excluded while considering the limitation matter.

(Rakesh Kumar, J)

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