

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14072 of 2016**

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Ram Eshwar Prasad Son of Late Ram Das Prasad, resident of Mohalla-  
Munna Chak, Post Office- Lohiya Nagar, Police Station- Patrakar Nagar  
Patna, District- Patna.

.... .... Petitioner

Versus

1. The State of Bihar.
2. The State of Bihar represented through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
4. The Additional Secretary, Department of Agriculture, Government of Bihar, Patna.
5. The Director Horticulture, Department of Agriculture, Government of Bihar, Patna.
6. The Department Enquiry Commissioner, Government of Bihar, Patna-cum- Conducting Officer.
7. The District Agriculture Officer, Gaya- Cum- Presenting Officer.
8. The Joint Director, Patna Division, Department of Agriculture, Government of Bihar, Patna.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. P.K.Shahi, Sr.Adv.  
Mr. Jitendra Kumar Roy, Adv.  
For the Respondent/s : Mr. Dhurjati Kr. Prasad- GP14  
Md. Faiz Ahmad, AC to GP14

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2     20-02-2017             Mr. P.K.Shahi, learned Senior Counsel appearing on  
  
behalf of the petitioner and Mr. Dhurjati Kumar Prasad, GP-14,  
  
for the State are present and have been heard.

Although the writ petition has been filed questioning the  
order of suspension bearing Memo No. 331 dated 31.12.2013 of  
the Under Secretary, Agriculture Department, but when the matter  
is taken up for consideration, learned counsel for the parties are in  
agreement for disposal of the writ petition with a liberty to the



petitioner to avail of the appellate remedy available to question the suspension order before the appellate authority in terms of Rule 23 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules').

Mr. Shahi, learned Senior Counsel for the petitioner, has relied upon an order of this Court dated 28.10.2016 passed in C.W.J.C.No. 10955/2016 (**Ram Gopal Pandey v. the State of Bihar & ors.**) to submit that the case of the petitioner is covered by the view taken by this Court including the orders passed in similar matters.

Having heard learned counsel for the parties and considering the statutory position discussed above where an appellate remedy is available to the petitioner, for the present all that this Court would do, is to grant liberty to the petitioner to exhaust the appellate remedy available to him. The petitioner would be at liberty to raise all issues that has been raised herein, before the appellate forum.

With the aforementioned observation and direction, this writ petition is disposed of.

**(Jyoti Saran, J)**

Surendra/-

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