

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2010 of 2017

In

Civil Writ Jurisdiction Case No. 7257 of 2017

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Tribhuwan Singh, son of Jairam Singh, resident of village Hekam, Police Station Ekma, District Saran at Chapra. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Forest and Environment Department, Government of Bihar, Patna.
3. The Chief Conservator of Forest and Environment Department, Government of Bihar, Patna.
4. The Conservator of Forest, Conservator of Forest Office, Saran at Chapra.
5. The Divisional Forest Officer-cum-Conducting Officer, Saran at Chapra.
6. The Divisional Forest Officer, Gopalganj Division, Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 27-07-2017

Heard learned counsel for the petitioner and State

The petitioner seeks modification of the order, dated 15.05.2017, passed in C.W.J.C. No. 7257 of 2017, which is quoted herein below for easy reference:

“The petitioner was holding the post of Forester under respondent no.6, the Divisional Forest Officer, Gopalganj Division, Gopalganj. Pursuant to departmental proceeding, he was removed from service vide Memo No. 319, dated 20.02.2017, passed by the Conservator of Forest Office, Circle Siwan.

Counsel for the State rightly submits that the petitioner has an alternative remedy of appeal



under Rule 23 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

The writ application, as such, is disposed of with liberty to the petitioner to file an appeal before the competent authority. In case, any appeal is filed, the delay in filing the same would be sympathetically considered, as the petitioner was pursuing his remedy before this Court.”

Learned counsel submits that in fact the petitioner was not removed from service, rather he retired from service. He further submits that after retirement of the petitioner, the respondents have wrongly passed order of recovery without providing an opportunity of hearing.

As the subject matter of the writ application did not fit in with the order, dated 15.05.2017, passed in C.W.J.C. No. 7257 of 2017, the same is recalled.

The modification application is disposed of with liberty to the petitioner to take appropriate remedy available under the law for redressal of his grievance including filing of a fresh writ application.

(Samarendra Pratap Singh, J.)

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