

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12828 of 2014

Prakash Chandra Rai Son of Late Chakardhar Rai resident of village - Chandheri, P.S. Sabour, District - Bhagalpur, at the relevant time posted as Panchayat Secretary, Khesar, Anchal Fullidumar, District – Banka Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Banka at Banka, District Banka
3. The Dy. Development Commissioner, Banka, District - Banka
4. The District Panchayat Raj Officer, Banka, District - Banka
5. The Sub Divisional Officer, Banka, District Banka
6. The Circle Officer, Fullidumar, District Banka
7. The Block Development Officer, Fullidumar, District Banka
8. The Circle Officer, Rajoun, District Banka
9. The Block Development Officer, Rajoun, District Banka
10. The Divisional Commissioner, Bhagalpur Division, Bihar

.... Respondents

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate and
Mr. Chaudhary Prem Kumar Thakur

For the Respondents : Mr. Rakesh Kr. Ranjan, AC to GA 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-05-2018

Learned counsel for the petitioner prays for and is permitted to add the Divisional Commissioner, Bhagalpur Division, Bihar as party respondent no.10 to the writ petition.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. It is submitted by learned counsel for the petitioner that the entire proceedings were contrary to the procedure prescribed under the Bihar CCA Rules, 2005 and that the Disciplinary authority has passed the order of dismissal in most mechanical manner as no enquiry in the eye of law has been held.



4. Learned counsel for the State submits that the writ petitioner has adequate remedy of appeal before the Divisional Commissioner, Bhagalpur Division and in that view of the matter, this Court should not exercise its writ jurisdiction in the instant proceedings.

5. In view of such submission made by learned counsel for the State, the writ petition is disposed of with liberty to the petitioner to file his comprehensive appeal before the Appellate authority, the Divisional Commissioner, Bhagalpur (respondent no.10).

6. The petitioner may present his appeal within four weeks. If such appeal is filed, respondent no. 10 shall be obliged to dispose of the same by a detailed and considered order dealing with all the issues raised by the petitioner within a period of eight weeks thereafter.

7. The writ petition is disposed of with the aforesaid directions.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2018
Transmission Date	NA

