

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7402 of 2014

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Shyam Narain Kumar son of Sri Late Ram Chandra Kumar, resident of 29, Kautilya Nagar, P.O. Bihar Veterinary College, P.S. Patna Airport, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Chief Secretary, Government of Bihar, Patna
3. Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna
4. Director (Admn) cum Additional Secretary, Department of Human Resources Development, Government of Bihar, Patna
5. Enquiring Officer, Joint Secretary Mr K K Rai (retired), the then Joint Secretary, Department of Human Resources Development, Government of Bihar, Patna
6. Bihar Public Service Commission, through its Secretary, Bailey Road, Patna

.... Respondent/s

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For the Petitioner/s : Mr Ajay Kumar Thakur, Advocate

For the S t a t e : Mr Bijoy Kumar Sinha, AC to AAG V

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 10-08-2018

Heard Mr Ajay Kumar Thakur on behalf of the petitioner
as also learned counsel for the respondent-State.

An objection regarding maintainability of the writ petition on ground of availability of remedy of review in the form of Memorial provided under Rule 24 (2) of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 is raised by learned counsel for the respondent-State.

Mr Thakur appearing on behalf of the petitioner submits that it should be left open to the petitioner to agitate all issues including the procedural irregularities in course of the proceedings before the Enquiry Officer. He also submits that the recommendation of Bihar Public Service Commission that punishment, which was awarded to the petitioner was grossly disproportionate to the



allegation, also requires to be looked into by the Authority in the Memorial.

Without expressing any opinion on the merits of the claim put forward by the learned counsel for the petitioner, this Court would leave it to the petitioner to raise all the issues, which are to be examined, considered and disposed of by a reasoned and speaking order, by the Review Authority in accordance with law. The petitioner may approach the Authority by filing his Review.

In view of the objection regarding maintainability having been raised by the learned counsel for the respondent-State, it is directed that the delay occasioned due to pendency of the writ petition may not be held against the petitioner and his Review will be considered on its own merits.

Interest of justice will be served if the Review is filed within four weeks from today. In the event, such Review is filed, the same shall be disposed of expeditiously and preferably within a period of three months thereafter.

The writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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