

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2696 of 2015

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Sitaram Azad son of Late Nirti Shah resident of Village Laxminiya, P.S. Sour Bazar, Distt - Saharsa.

.... Petitioner/s

Versus

1. The Principal Secretary, General And Administrative Department, Govt. of Bihar, Patna having its office, Old Secretariat, Patna.
2. Director, Panchayati Raj Department, Bihar, Patna.
3. The Divisional Commissioner Koshi Division, Saharsa.
4. The District Magistrate-cum-Collector, Madhepura.
5. The Sub Divisional Officer, Udakishunganj, Madhepura.
6. The Circle Officer, Gwalpara Anchal Dist - Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Respondent/s : Mr. Birju Prasad, GP 13
Mr. Ravi Kumar, AC to GP 13
Mr. Amresh, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 31-08-2018

It is submitted by counsel for the State that petitioner has an efficacious alternative statutory remedy by way of appeal before the Divisional Commissioner. The petitioner has not avail of the said remedy of appeal and has rushed to this Court directly.

2. Counsel for the petitioner has submitted that though he had submitted the various receipts showing deposits of amount of “Hat” collection made during the period in question, the same have not been considered by the Enquiry Officer.

3. In view of the aforesaid submissions, the issue can well be



considered by the Appellate Authority with reference to the material on record during course of enquiry or any proof which the petitioner may choose to file in support of his contention.

4. The counsel for the petitioner being faced with the aforesaid circumstances seeks liberty to approach the Appellate Authority by filing a comprehensive appeal.

5. Since the respondents have raised an objection regarding the alternative remedy, this Court would observe that if the petitioner is desirous of availing the remedy and presents his appeal before the Appellate Authority within a period of four weeks from today, the Appellate Authority shall not refuse to entertain the same on the ground of delay and the petitioner’s appeal should be considered on merits in accordance with law within a period of eight weeks thereafter.

6. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

