

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7963 of 2009

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P.C.Mishra (Prem Chandra Mishra), son of late Bhudeo, Resident of House No.7,
Anandpuri, West Boring Canal Road, P.S.-Budha Colony, District- Patna.

.... Petitioner

Versus

1. The Bihar State Financial Corporation, Fraser Road, Patna, through its Managing Director.
2. The Board of Directors of the Bihar State Financial Corporation, Fraser Road, Patna through its Chairman.
3. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
4. Sri Ashok Kumar, Son of name not known to the petitioner, Assistant General Manager-cum- Conducting Officer, Bihar State Financial Corporation, Fraser Road, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Manik Vedesen, Advocate
Mr. Subhash Chandra Bose, Advocate
For the Respondent/s : Mr. V.K. Tripathy, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2018

Heard learned counsel for the petitioner and learned
counsel for the Bihar State Financial Corporation.

In this case, the petitioner is challenging the order dated
22.08.2001, whereby and where-under he has been awarded the
punishment of dismissal from the service. Against that order, the
petitioner has filed an appeal, which remained pending, compelled
the petitioner to approach this Court in C.W.J.C. No.4430 of 2003.
This Court vide order dated 23.07.2003 disposed of the said writ



petition with a direction to the respondents to dispose of the appeal filed by the petitioner in accordance with law. Where-upon, the Appellate Authority vide order dated 16.07.2003, which was communicated to the petitioner on 01.08.2003, rejected the appeal of the petitioner by a cryptic non-speaking order.

This Court is not going into the merit of the case as the order of the Appellate Authority indicates that he has not applied his judicial mind and passed the order. When the petitioner has filed the appeal, it is presumed that the Appellate Authority will apply his judicial mind and pass a reasoned order, but the order of the Appellate is a non-speaking order.

In such view of the matter, this Court has no other option but to quash the order of the Appellate Authority. Accordingly, the order of the Appellate Authority dated 16.07.2003 is set aside. The matter is remanded back to the Appellate Authority for fresh consideration and passing a reasoned order.

The petitioner is directed, if he intends a personal hearing, he must remain present before the Appellate Authority on 19.03.2018. Failure to report to the Appellate Authority, it will be treated that the petitioner is not interested for personal hearing and the Appellate Authority after examining the records and considering the ground that has been taken in the memo of appeal will pass a



reasoned order in accordance with law.

With the aforesaid observations and directions, this writ
petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	26.02.2018
Transmission Date	N/A.

