

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8164 of 2014

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Nand Kishore Prasad Son of Late Ram Prasad Singh Resident of 201, Keshav Place (East) Bailey Road, P.S. Shastri Nagar, District - Patna at dismissed from Executive Engineer, Rural Works Department, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principles Secretary, Rural Works Department, Government of Bihar, Patna
3. The Joint Secretary, Rural Works Department, Government of Bihar, Patna
4. The Chief Engineer, Rural Works Department, Government of Bihar, Patna
5. The Principal Secretary, Irrigation Department Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Chitranjan Sinha, Sr Advocate with
Mr Binod Kumar, Advocate

For the Respondent/s : Mr N P Yadav, SC XXIII with
Ms Vijaya Laxmi Srivastava, AC to SC XXIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-08-2018

Heard learned Senior Counsel for the petitioner and the respondent-State.

2 Learned Senior Counsel for the petitioner submits that due to non-participation of the Presenting Officer in the enquiry under question, the entire proceedings stand vitiated. He further points out that by way of IA No 1595 of 2016, he has challenged the effective order of removal dated 19.08.2014 modifying the earlier order dated 01.04.2014. It is the submission that the order dated 19.08.2014 is unsustainable inasmuch as the same has been passed after the master-



servant relationship ceased on 30.06.2014.

3 These issues are submitted but the foundation has not been laid in the writ petition so as to facilitate adjudication in the instant proceedings.

4 At this juncture, learned Senior Counsel submits that the petitioner would raise these issues before the authorities under Rule 24 (2) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 within a period of four weeks from today.

5 In the event, such a review, in the form of Memorial, is filed, the aforesaid issue and any other issue, which may be raised by the petitioner, will be considered and disposed of by a reasoned and speaking order within a period of three months thereafter.

6 Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2018
Transmission Date	NA

