

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8382 of 2014

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Syed Afzal Quadri S/O Sri Badruddin resident of Mohalla New Karimganj, P.S. Civil Line, Dist - Gaya (Bihar) retd. Urdu Translator Department of Raj Bhasha, Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar represented through its Chief Secretary, Old Secretariat Building, Patna.
2. Director Urdu Department of Raj Bhasha , Govt. of Bihar, Patna Old Secretariat Building, Patna.
3. District Magistrate, East Champaran, (Motihari), Bihar.
4. Deputy Collector, East Champaran (Motihari)
5. Sub-Divisional Officer, Raxaul.
6. Block Development Officer, Raxaul, East Champaran.

.... Respondent/s

WITH

Civil Writ Jurisdiction Case No 10683 of 2015

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Syed Afzal Quadri son of Syed Badruddin R/o Road No. 7 New Karimganj, PS-Gaya Civil Lines, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director (Urdu) Raj Bhasha Department Bihar Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaaffarpur.
4. The District Magistrate, East Champaran.
5. The sub-Divisional Officer, Raxaul.
6. The Block Development Officer, Raxaul East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Tilak Sao, Ms Binita Singh, Advocates
For the S t a t e	:	Mr Kinkar Kumar, SC IX with Mr Sushant Praveen, AC to SC IX Mr Kumar Kamal Nayan, AC to SC XXVIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 16-08-2018

Heard learned counsel for the petitioner and the



respondent-State.

2 Claiming arrears of salary for the period 10.09.1999 uptill 14.08.2014, the writ petition has been filed by the petitioner who claims to have retired from the post of Urdu Translator in the office of the Block Development Officer, Raxaul, East Champaran. The second writ petition has been filed claiming the post retiral benefits including pension, leave encashment etc to the petitioner.

3 In the first writ proceedings arising out of *CWJC No 8382 of 2014*, respondents have placed on record supplementary counter affidavit that in the meantime, by order dated 26.06.2018, the petitioner has been removed from service under the provisions of Rule 76 of the Bihar Service Code after subjecting him to departmental proceedings.

4 The prayer made in the two writ petitions cannot be allowed in favour of the petitioner unless the order dated 26.06.2018 removing him from service is set aside or challenged by the petitioner, which has not been done. Merely, by filing a supplementary affidavit, petitioner has, in the instant proceedings, submitted that the order is bad.

5 Since there is no specific challenge to the order of punishment dated 26.06.2018, both these writ petitions are dismissed as claim cannot be granted to the petitioner at least till the punishment



under order dated 26.06.2018 is subsisting.

6 Petitioner, however, would be at liberty to assail the order of punishment in a duly constituted writ proceedings.

(Madhuresh Prasad, J)

M.E.H./-

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

