

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9600 of 2017

=====

1. Nagendra Nath Mishra Son of Ram Parmanand Nath Mishra Resident of Village +P.O, Keshopur, P.S. Simri, District- Buxar.

.... Petitioner/s

Versus

1. The Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Old Secretariat, Patna.
3. The Inspector General of Prison, Bihar, Patna.
4. The Deputy Inspector General of Prison, Bihar, Patna.
5. The Joint Secretary-cum-Director, Administration, Inspectorate of Prisons and Correctional Services, Government of Bihar, Old Secretariat Patna.
6. The Jail Superintendent, Danapur Sub-Jail Government of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Respondent/s : Mr. Partha Sarthi -Ga4

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-04-2018 The respondents have taken an objection in their counter affidavit that the petitioner has not exhausted alternative remedy of appeal by filing an appeal before the appellate authority against the order of dismissal dated 21.04.2017.

The learned counsel for the petitioner submits that he may be permitted to file an appeal.

In view of the aforesaid, the petitioner is directed to file an appeal before the respondent no. 2 within a period of two weeks from today and in case, such appeal is filed, the respondent no. 2 shall consider the same on merits and after giving an



opportunity of hearing to the petitioner, the respondent no. 2 shall dispose of the said appeal by a reasoned and speaking order within a further period of six weeks considering the fact that the disciplinary authority while passing the dismissal order has considered some extraneous material for coming to the finding of guilt of the petitioner herein.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

