

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17406 of 2014

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Mohammad Yunus Ansari S/o Mohammad Abdul Ajiz Resident of Mohalla Rajopatti, P.S. Sitamarhi, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissionerm, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Sitamarhi.
4. The Treasury Officer, Sitamarhi.
5. The District Accounts Officer, Sitamarhi.
6. The Circle Officer, Bathanaha, Sitamarhi.
7. The Circle Officer, Runni Saidpur, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajey Kumar, Advocate

For the State : Mr. Sumant Kumar Singh, AC to GA2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 19-06-2018

At the very outset counsel for the State submits that the petitioner has not availed the statutory remedy provided under the Bihar CCA Rules, 2005.

2. Counsel for the petitioner submits that he shall avail of the said remedy as the entire enquiry and the proceedings have been conducted contrary to the procedure prescribed under the Bihar CCA Rules, 2005 and highly excessive punishment of dismissal has been inflicted upon the petitioner for pity allegation, though he has denied such allegation being false.

3. Considering the aforesaid submissions, this Court would



permit the petitioner to avail of the statutory remedy of appeal. All issues regarding the proceedings being conducted contrary to the Bihar CCA Rules, 2005 as submitted by the petitioner including the punishment being grossly disproportionate and excessive to the charges, shall be considered by the revisional authority by a reasoned and speaking order.

4. The petitioner may make his application under Rule 28 of the Bihar CCA Rules within a period of four weeks from today. If such an application is filed, the revisional authority shall proceed to decide the petition on merits without any delay within eight weeks.

5. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
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