

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1926 of 2018

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1. Shripati Chakravarti, son of Late Saryug Narayan Thakur, Resident of Mohalla-Panch Steel Nagar, Barh, Ward No. 13, Police Station- Barh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector, Patna.
4. The Additional Collector, Patna.
5. The Circle Officer, Bakhtiyarpur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Sajid Salim Khan- SC25
Mr. Prakritita Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-10-2018

Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, the petitioner is challenging the order of the department, dismissing him from service and the same has been affirmed by Appellate Authority in Service Appeal No. 585 of 2013 vide order dated 10.10.2017 passed by the Divisional Commissioner, Patna.

The petitioner was served a charge sheet dated 14.08.2009, which was replied by him stating therein that he has not committed any misconduct, but the Inquiry Officer on account of depositing of money arrived to a finding of committing misconduct and the



Collector considered his show cause and passed the order of his dismissal, which has been affirmed by the Commissioner, Patna Division in Service Appeal No. 585 of 2013.

This writ petition is disposed of on a short point that the Appellate Authority has not decided the proceeding as he has passed the order without considering the facts and law involved in the present case. Merely he has recorded that there is nothing in the order, which would make the order wrong of the Collector. When an appeal is filed it is expected that he will examine the facts and law and will dispose of the same by a reasoned order which is not there in the order.

Accordingly, the order dated 10.10.2017 passed in Service appeal No. 535 of 2013 is set aside and the matter is remanded back to the Appellate Authority. The Appellate Authority will consider the case of the petitioner and will pass a reasoned order within a period of eight weeks from date of receipt/production of a copy of this order.

With this observations and directions this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.10.2018
Transmission Date	NA

