

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2606 of 2016

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Ramji Lal son of Shankar Lal Resident of village - Ramapur, Police Station -
Ara Muffasil, District – Bhojpur. Petitioner

Versus

1. The State Of Bihar through the District Magistrate, Patna
2. The District Magistrate, Patna.
3. The Commissioner, Patna Division, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the Respondents : Mr. M. Haque, GP 12
Mr. V Vikas, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Writ petition has been filed for challenging the punishment under order dated 26.6.2007. Writ petition has been filed about nine years thereafter. No reason or explanation is given for approaching the Court after delay of nine years. Records further reveal that against the same order which is impugned in the instant writ petition the petitioner has availed the remedy before the appellate forum by filing Service Appeal No. 452 of 2007 which has also been rejected by the Commissioner, Patna Division, under order dated 2.12.2008. Said order passed by the Appellate Authority has never been assailed or challenged by the petitioner. Even in the instant proceedings the same has not been challenged. Records further



reveal that in the year 2007 after passing of the impugned order the petitioner on being declared successful in the limited competitive examination has been appointed as assistant in the Secretariat in the Department of Public and Health Engineering Department.

Specific averment has been made in the counter affidavit that after providing due opportunity to the petitioner and after following due procedure prescribed under the Bihar Government Servant (Classification, Control & Appeal) Rules, 2005 the order of punishment has been inflicted. The petitioner has not disputed or denied this position by filing any rejoinder to the counter affidavit.

For the reasons indicated hereinabove, writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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