

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4657 of 2016

Shiv Jee Sah @ Shiva Jee Sah, son of Ram Khelawan Sah, Resident of
Village- Kamraon, Police Station- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna
2. The District Magistrate, Samastipur.
3. The Sub Divisional Officer, Rosera, Samastipur.
4. The District Supply Officer, Samastipur.
5. The Block Development Officer, Patory, Samastipur.
6. The District Accounts Officer, Samastipur.
7. Commissioner, Darbhanga Division

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Rana Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr Tej Pratap Sinha, AC to AAG XIII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-06-2019 Petitioner's counsel is permitted to implead
Commissioner, Darbhanga Division as respondent No 7 to this
writ petition.

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

Learned counsel for the respondent-State raises an
objection regarding maintainability of the instant writ petition
since petitioner has not availed of the adequate statutory
alternative remedy under Rule 23 of the Bihar Government
Servants (Classification, Control & Appeal) Rules, 2005.



Appeal, under the said Rule, would lie before the Commissioner, Darbhanga Division.

Faced with such difficulty, learned counsel for the petitioner submits that he would be filing his appeal before the Commissioner, Darbhanga Division (respondent No 7).

Since the objection regarding maintainability has been raised by the learned State Counsel, this Court would observe that the Commissioner, Darbhanga Division should consider the appeal of the petitioner, if filed within four weeks from today, upon its own merit without raising the issue of the same filed by delay. Respondent No 7 should proceed to adjudicate the same by reasoned and speaking order in accordance with law expeditiously and without any undue delay.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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