

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5127 of 2019**

=====

Ramesh Gupta, S/o Late Rajeshwar Prasad Gupta, Resident of Mohalla- E-99  
P.C. Colony, P.S.- Kankarbagh, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary cum Chairman Infrastructure Development Authority Govt. of Bihar, Patna
2. The Principal Secretary Department of Industry, Bihar, Patna
3. The Managing Director, Infrastructure Development Authority Udyog Bhawan, East Gandhi Maidan East Gandhi Maidan, Patna- 800004
4. The Regional Director, Central Board of Secondary Education Shilpa Gram Road, (Near Shankar Dev Kalashetra), Panjabari Gauhati (Assam)
5. The Secretary, Central Board of Secondary Education, Shiksha Kendra-2 Community Centre Preet Vihar, Delhi- 110092

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate  
For the Respondent/s : Mr. Rajiv Roy (GP-1)

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 01-04-2019**

Heard the learned counsel for the petitioner and  
the State.

2. The services of the petitioner, who was appointed as a Finance Officer in Infrastructure Development Authority, has been terminated vide order dated 07.09.2018. The appeal preferred against the aforesaid order has also been rejected by order dated 07.01.2019.



3. The ground of termination is that the petitioner, though, falls in the category of Backward Caste but has projected himself as a person belonging to Most Backward Caste.

4. The petitioner has sufficient explanation for the same in as much as no fraud or misrepresentation was made by the petitioner and the caste certificate had been shown to the authorities at the time of interview/counseling.

5. Learned counsel for the Infrastructure Development Authority, however has submitted that the certificate of caste presented by the petitioner was of the State of Assam which may not be acceptable to the Infrastructure Development Authority.

6. Learned counsel for the petitioner has submitted that such ground cannot be taken at this stage when appointment had been given to the petitioner after verification of all facts.



7. However, learned counsel for the Infrastructure Development Authority has pointed out to this Court that there is a provision for review, which forum has not been exhausted by the petitioner.

8. Under the aforesaid circumstances, the petitioner is permitted to withdraw this petition in order to file review before the concerned authority within a period of four weeks from today . Should such a review be filed, the same shall be disposed of within a further period of four weeks thereafter by a reasoned order.

9. The prayer is allowed.

10. The petition is dismissed as withdrawn with the liberty aforesaid.

**(Ashutosh Kumar, J)**

krishna/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 05.04.2019 |
| Transmission Date |            |

