

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5718 of 2019**

Shatrughan Prasad Singh, Son of Parikshan Singh R/o Sahbajpur, P.S.-  
Ahiyapur, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through Secretary, Building Construction Department, Government of Bihar, Patna
2. The Chief Engineer Building Construction Department, Government of Bihar, Purnea
3. The Superintending Engineer Building Construction Department, Building Circle, Purnea
4. The Executive Engineer Building Construction Department, Building Division, Purnea
5. The Executive Engineer Building Construction Department, Building Division, Kishanganj

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sourendra Pandey  
For the Respondent/s : Mrs. Puspanjali Sharma, A.C. to S.C.20

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

**Date : 11-04-2019**

Heard the learned counsel for the parties.

2. The petitioner has preferred the present writ petition challenging the order dated 10.06.2014 passed by the Superintending Engineer/the Disciplinary Authority, dismissing the petitioner in the departmental proceeding for having accepted bribe amount of Rs. 1000/-.



3. The petitioner, at the relevant time, worked as Clerk-cum-Typist in the Building Construction Department and was posted at Kishanganj.

4. Mr. Sourendra Pandey, learned advocate for the petitioner has submitted that the departmental proceeding has not been conducted in consonance with the provisions of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as the 'Rules') but has accepted that the provision of appeal which is available to the petitioner, has not been exhausted/availed of.

5. The learned advocate for the petitioner has submitted that this writ petition having been filed belatedly, an observation of this Court would be required for the appellate authority to entertain the appeal.

6. Considering that this Court has not gone into the merits of the order of dismissal or whether the proceedings have been conducted in accordance with rules and has proceeded to dispose of the writ petition on the



ground of petitioner not having exhausted the available/alternative remedy, it is deemed appropriate to give the liberty to the petitioner to approach the appellate authority against the order of dismissal within a period of four weeks from today.

7. Should such an appeal be filed, it shall be entertained by the appellate authority, who shall dispose of such appeal within a period of six months of the acceptance of the memo of appeal.

8. With the aforesaid observation/direction, the writ petition is disposed of.

sanjeev/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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**(Ashutosh Kumar, J)**

