

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8860 of 2015

Ravishankar Varnwal Son of late Rajeshwar Prasad Resident of Mohalla
Bharatganj, Ps Barbigha, District sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Gaya.
2. The Additional collector , Gaya.
3. The Director-cum-Conduction Officer, District Rural Development
Abhikaran, Gaya.
4. The Sub Divisional Officer, Sadar, Gaya.
5. The Circle Officer-cum Upsthapan Officer, Fatepur Gaya.
6. The Commissioner Magadh Division, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Tej Bahadur Singh, Sr. Advocate
For the Respondent/s	:	Mr.SC-9-Raj Nandan Prasad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

04-09-2019 Learned counsel for the petitioner is permitted to
implead the Commissioner Magadh, Division as respondent No.
6 to the instant proceedings.

The learned Senior Counsel appearing for the
petitioner submits that merely for the fact that he had been
allegedly arrested red-handed which led to lodging of vigilance
case, the Inquiry officer has held the charges to be proved.
Petitioner has been awarded punishment of dismissal by order
of the District Magistrate dated 30.08.2014.

It is submitted that the enquiry proceedings suffers
from various procedural infirmities and is based on wrong
evidence.

Petitioner however, has not availed of the remedy of



appeal before Commissioner.

Since the petitioner has an adequate alternative statutory remedy of appeal before the Commissioner, Magadh Division, Gaya. This court refuses to entertain the petition without availing of alternative remedy. In the circumstances, this court is of the view that the petitioner should file an appeal before the Commissioner, Magadh Division, Gaya.

Learned Senior Counsel submits that on account of pendency of the instant proceedings in this court, appeal of the petitioner would be barred by time, in view of the provisions contained in the Bihar C.C.A. Rules, 2005. This court will observe that if the petitioner approaches the appellate authority within four weeks from today, the appellate authority, namely, Commissioner, Magadh Division, Gaya, respondent no. 6, shall be obliged to consider the appeal on merits without raising the issue of the same being barred by time. The appellate authority should dispose of the appeal expeditiously, without undue delay and preferably within three weeks thereafter.

The instant writ petition is disposed of.

(Madhuresh Prasad, J)

T.Kr./-Rahul
Mishra

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