

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7876 of 2019

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Gudoo Kumar Gupta, aged about 29 years, Son of Radhey Shyam Sah,
Resident of Village- Jataha, P.S.- Phulwariya, P.O.- Koeladeva, District-
Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Director General of Police, Home Guard, Bihar.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Gopalganj.
5. The District Commandant Bihar Home Guard Battalion, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Adv.
For the Respondent/s : Md. Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 13-05-2019

The petitioner has approached this Court for setting-aside the order dated 02.11.2018, contained in Memo No. 1157, issued by the District Commandant, Bihar Home Guards Battalion, Gopalganj, whereby the services of the petitioner has been terminated.

2. The learned counsel for the petitioner has submitted that the termination order is not in consonance with law as there is complete violation and breach of Rule 16 of the Bihar Home Guards Rules, 1953.



3. The other grievance of the petitioner is that against the aforesaid order of termination of his service, he has preferred an appeal before the Commissioner, Saran Division, Chapra *vide* Service Appeal No. 234 of 2018, which has yet not been disposed off.

4. Since the petitioner has already preferred an appeal against the order impugned in the present petition, this Court deems it appropriate to relegate the case of the petitioner to the Court of the Commissioner, Saran Division, Chapra.

5. The Commissioner, Saran Division, Chapra is directed to dispose off the appeal of the petitioner as early as possible preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

6. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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