

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11635 of 2014

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Md. Mustaque, son of Md. Hafiz resident of mohalla - Mahua Mukundpur,
P.O. and Police Station - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Vaishali at Hajipur.
3. The Conducting Officer-cum-Deputy Collector, Land Reforms, Mahua, District - Vaishali.
4. The Presenting Officer cum Block Development Officer, Rajapakar, District - Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate.

For the Respondent/s : Mr.Prashant Kumar, AC to SC-5.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 11-02-2019

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

2. The petitioner has filed the writ petition for quashing the order dated 20.05.2014 issued by the District Magistrate, Vaishali dismissing the petitioner from service.

3. The allegations made against the petitioner is of accepting bribe for making payment of dues under Indira Awas Yojana. The Petitioner, at the relevant point of time, was an Upper Division Clerk in the Block Office at Rajapakar. The



order of punishment is appellable under the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 but without availing the remedy of appeal, petitioner has directly rushed to this Court.

4. Learned counsel for the petitioner placed reliance on a judgment rendered in the case of *Satrughan Jha vs. The State of Bihar & Ors.* in *CWJC No. 8521 of 2014*. The order passed in that case does not cover the case of the petitioner since in that case without even a show cause, punishment was inflicted upon the petitioner. Such is not the situation in the instant case. After a charge memo and subjecting the petitioner to a proceeding, the order of punishment has been passed. Since the petitioner has challenged the said order of punishment denying the allegations, the same may better be looked into by the appellate authority.

5. Learned counsel for the petitioner submits that he would be availing the remedy of appeal before the appellate authority. In case the petitioner approaches the appellate authority within four weeks from the date of receipt/production of a copy of this order, the same shall be decided on merit, without raising the issue of delay against the petitioner, expeditiously and preferably within a period of three months.

6. Accordingly, the writ petition is dismissed with



observation and liberty aforesaid.

(Madhuresh Prasad, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

