

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1576 of 2016

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Ram Kumar Rai son of Late Dhaneshwar Rai, Resident of Village- Pokharia,
P.S.- Balia, District- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary of the Urban Development and Housing Department,
Government of Bihar, Patna
3. The Deputy Secretary cum-Director, Secretary, Urban Development and
Housing Department, Government
4. The Social Secretary of the Urban Development and Housing Department,
Government of Bihar, Patna
5. The Municipal Commissioner of the Municipal Corporation, Munger
6. The Conducting Officer cum-City Manager of Munger Municipal
Corporation, Munger
7. The Mayer cum-Chairman of the Municipal Corporation, Munger
8. The Empowered Committee of the Municipal Corporation Munger through its
Mayer

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Singh, Advocate
For the State	:	Mr. M. Haque, GP 12
For the Corporation	:	Mr. Shivendra Kr. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 30-01-2019

Learned counsel for the petitioner submits that the order dated 10.08.2013 impugned in the instant writ petition issued by the Commissioner Municipal Corporation terminating the petitioner from the post of Junior Engineer suffers from patent illegality. The Enquiry Officer has conducted the enquiry in a most perfunctory manner and in violation of the procedure prescribed for conduct of the proceedings without there being any evidence adduced by the Department.

It is pointed out by the learned State counsel that the



issues can well be considered by the Appellate Authority. The Appellate Authority is the Principal Secretary, Urban Development.

Since the remedy of appeal is available to the petitioner, this Court is not inclined to interfere with the matter at this stage. This Court is of the considered opinion that the Principal Secretary would consider the said procedural lapses and patent illegality, if the same is found from the record. The writ petition is therefore, disposed off. The petitioner would be at liberty to approach the Principal Secretary, Urban Development, respondent no. 2 by filing his appeal within four weeks. In the event the same is filed within four weeks from today the Principal Secretary, respondent no. 2 would be obliged to consider the petitioner's appeal having regard to the record of the proceedings and pass a reasoned and speaking order on merits without raising issue of delay in accordance with law after due opportunity within a period of three months thereafter.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

