

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11345 of 2015

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Uday Kumar son of Late Jamadar Singh resident of Bihari Mill, Puarini
Bhatti Gola, P.O. Avaith, P.S.- Nawada, District- Bhojpur

... .. Petitioner

Versus

1. The State Of Bihar
2. The Collector, Patna
3. The Sub Divisional Officer, Danapur
4. The Divisional Commissioner, Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad
For the Respondent/s : Mr. Jay Prakash Sharma, AC to GP 21

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2019 Counsel for the petitioner is permitted to add

Divisional Commissioner, Patna as respondent No. 4 to the writ

petition.

Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

Objection is raised by the State Counsel that the

petitioner has rushed to this Court without availing remedy of

appeal against the order of punishment dated 8.5.2015 issued by

the Collector, Patna.

This Court would find that adequate, efficacious

remedy is available to the petitioner before the Divisional

Commissioner, the Appellate Authority. The issue can well be

considered by the said Appellate Authority with reference to the



entire record taking into consideration the facts and circumstances under which the order has been passed. The petitioner, therefore, should approach the Appellate Authority by making a detailed appeal raising all his grievances including the fact that the order has been passed without reference to any evidence.

If such an appeal is filed within a period of four weeks from today, taking into consideration the objection raised by the respondent State, this Court would observe that the issue of delay shall not be raised against the petitioner and his appeal be decided by the Divisional Commissioner, respondent No. 4, expeditiously and preferably within a period of three months from the date of filing of the appeal by affording due opportunity and in accordance with the procedure prescribed under Bihar CCA Rules 2005 .

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

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