

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11351 of 2014

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Birendra Kishore Jha Son of Late Raghunath Jha Resident of village -
Shyamour Police Station - Sangrampur District - East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Director, Panchayati Raj Department, Government of Bihar, Patna.
3. The Assistant Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran at Motihari.
5. The District Panchayati Raj Officer Panchayati Raj.
6. The Sub Divisional Officer, Sikarhana Dhaka, District East Champaran.
7. The Block Development Officer, Chiraiya District East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Sanchay Srivastava, Binay Kr, Advocates
For the Respondent/s : Mr Rajesh Kumar, AC to GP III

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

7 **07-01-2019** It is submitted by the learned counsel for the petitioner that the order of dismissal is based on an inquiry where there is no evidence on the basis of which the opinion has been formed by the authorities. Neither the complainant nor any departmental authority has appeared in support of the charges.

The submissions of the learned counsel for the petitioner can well be considered by the Appellate Authority under Rule 24 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity, *Bihar CCA Rules*) with reference to the records of the enquiry



proceedings. The petitioner is at liberty to avail the opportunity of appeal under Rule 24 of the Bihar CCA Rules.

In the event, such an appeal is filed within four weeks from today, the Appellate Authority would be obliged to consider the appeal of the petitioner and dispose it of in accordance with law by a reasoned and speaking order within a period of three months thereafter.

The delay occasioned in preferring the appeal shall not be held against the petitioner and the appeal must be decided on merit in view of the time spent in the instant proceedings.

This writ petition is disposed of with the liberty, as aforesaid.

(Madhuresh Prasad, J)

M.E.H./-

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