

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8915 of 2016

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Md Perwezullah son of Late Md Alim Ullah resident of Mohalla - Dudhani,
Post Office - Dumka, Police Station - Dumka, District - Dumka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Special Executive Officer cum Deputy Secretary, General Administration Department, Government of Bihar, Patna
5. The Joint Secretary, Department of Rural Development, Government of Bihar, Patna.
6. The Under Secretary, General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Siya Ram Sahi, Mr Syed Masleh-Uddin Ashraf, Advocates
For the Respondent/s	:	Mr Uday Prasad, AC to GP XXII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 17-01-2019 Objection is raised by the learned counsel for the State that having failed to avail the opportunity, this Court should not interfere in the matter.

After some argument, Mr Siya Ram Sahi, learned counsel for the petitioner submits that he would avail the departmental remedy under Rule 24 (2) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity, *Bihar CCA Rules, 2005*).

In view of the objection being raised by the learned



Counsel for the State, this Court would allow liberty to the petitioner to avail the opportunity under Rule 24 (2) of the Bihar CCA Rules, 2005 by preferring his review/memorial before the competent authority within a period of four weeks.

Since the issue of alternative remedy is raised by the State itself, this Court would direct that the review of the petitioner be considered by the respondent-authorities without raising any issue of the same being barred by delay.

Let the review application under Rule 24 (2) of the Bihar CCA Rules, 2005 be filed within four weeks from today.

In the event, the same is done, the concerned authority would consider the same and dispose it of in accordance with law expeditiously by a reasoned and speaking order, preferably within a period of three months thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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