

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22385 of 2019

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Balbir Prasad @ Balbir Yadav @ Barbari Yadav Son of Rameshwar Yadav@
Rameshwar Prasad, Resident of Kenar Tola- Maya Bigha, Police Station-
Wajeerganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department,
Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate-Cum-Collector, Gaya.
4. District Panchayat Raj Officer, Gaya.
5. Block Development Officer, Fatehpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Respondent/s : Mr.Kameshwar Pd. Gupta (GP10)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-12-2019 Heard both sides.

The petitioner filed this writ petition for quashing the order dated 07.05.2015 passed by the Divisional Commissioner, Magadh Division, Gaya in Service Appeal No.271 of 2014 by which the Commissioner summarily dismissed the appeal of the petitioner without any reason.

Learned counsel for the petitioner submits that petitioner assailed the order inflicting punishment on different grounds but the appellate authority did not consider any ground and summarily dismissed the appeal. The appellate authority under the law is bound to consider the grounds of the appellant



and pass reasoned order. The order should reflect the consideration of the grounds by the appellate authority but the order impugned does not reflect that the appellate authority consider the grounds of the appellant and it appears that appellate authority summarily rejected the appeal of the petitioner, therefore, I find that the order of the appellate authority is illegal and not sustainable. Accordingly, the order dated 07.05.2015 contained in Annexure-6 is set aside. The matter is remitted to the Divisional Commissioner, Magadh Division, Gaya with a direction to decide the appeal of the petitioner in accordance with law.

Accordingly, this writ petition is allowed.

(Prabhat Kumar Jha, J)

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