

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1318 of 2018

In

Civil Writ Jurisdiction Case No.7060 of 2014

Binod Prasad Karan son of Late Rajendra Prasad Karan, resident of mohalla Shastri Nagar, P.S. Rampur, District Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar.
2. The Member, Board of Revenue.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Magistrate In Charge, District Revenue Section-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mahasweta Chatterjee, Adv.

For the State : Mr. Arun Kumar Bhagat, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 25-02-2020 Heard learned counsel for the appellant and learned counsel for the State.

Learned counsel for the appellant submits that he has made argument on the procedural irregularity committed in the proceeding provided in Rule 17 of the Bihar Government Servant (CCA) Rules, 2005 and also has pressed in service the Rule of Bihar Record Manual to show that responsibility of the



record clerk to keep the record properly. Allegation has been made that the appellant issued fake certified copy. Departmental proceeding started. The punishment of dismissal has been awarded. The appellant has denied the charge and said that the certified copy was given by him to those in whose favour return was filed by the ex landlord. Out of the charge has been made that he has supplied certified copy to the wrong person in whose favour return was not filed. The finding has been recorded in the proceeding of failure to keep the record properly, the appellant had sent the record in connection with the civil suit and before passing the final punishment order, the record was returned by the civil court. He has attached the certified copy of original record, in reply to second show cause showing that the certified copy was given to those in whose favour return was filed. During argument appellant has taken point of failure to follow the mandatory provision of CCA Rules, 2005. From the order, it does not appear that any such point was raised before the learned Single Judge but the consideration is confined to equality of punishment as order of dismissal has been passed whereas identically placed person has been awarded the punishment of compulsory retirement. So they should maintain parity in the line of Article 14 of the Constitution of India.



From the order impugned, it does not appear that the aforesaid points were raised before the learned Single Judge.

In such view of the matter, we grant liberty to the appellant to file review application bringing facts to the notice of learned Single Judge about those points which he has purported to have raised at the time of pressing the writ application.

With this observation, this appeal is disposed off.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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