

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22359 of 2019

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Sugan Kumar, S/o Late Hanumat Sharan, Resident of Dahiyawan Tola,
Sadhana Puri, Near Jyoti Cinema, P.S.- Chapra Moffasil, Distt.- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Bihar, Patna
2. The Registrar Co-operative Societiesw, Bihar, Patna
3. The Joint Registrar, Co-operative Department, Purnea Division, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Rajeev Shekhar, A.C. to G.A/-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-01-2020 Heard learned counsel for the parties.

2. The petitioner was working as Block Cooperative Extension Officer, Bhawanipur, in the District of Purnea, when departmental proceeding was initiated against him, which has culminated into final order having been passed on 05.09.2019 by the Registrar, Cooperative Societies, Government of Bihar, issued through Memo No. 8533 dated 06.09.2019 (Annexure-13) which has been put to challenge in the present writ application.

3. This is not in dispute that the petitioner had remedy of appeal under Rule 24 of the Bihar Government



Servants (Classification, Control and Appeal) Rules, 2005 and instead of invoking the said remedy, he has filed the present writ application under Article 226 of the Constitution of India.

4. Since the petitioner has alternative statutory remedy of appeal under Rule 24 of the Rules, this writ application is disposed of with liberty to the petitioner to invoke the said provision. Rule 25 of the Rules provides for period of limitation for appeals, according to which, an appeal must be filed within 45 days of passing of the order by the disciplinary authority. The appellate authority has however, jurisdiction to entertain an appeal after expiry of the said period in case he is satisfied that the appellant has sufficient cause for not preferring the appeal in time.

5. In such view of the matter, it is indicated that if the petitioner files an appeal within one month from today against the impugned order along with an application seeking condonation of delay, the appellate authority shall condone the delay keeping in mind the fact that the petitioner was pursuing his remedy before this Court by filing the present writ application and decide the petitioner's



appeal on merits.

6. The Court expects that the petitioner's appeal, if filed within aforesaid period, is disposed of expeditiously, preferably within one month from the date of filing of the appeal.

(Chakradhari Sharan Singh, J)

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