

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23895 of 2018

=====

Abhay Kumar Son of Sri Naresh Mandal Resident of Village- Temtha, Police Station- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Through the Director General-Cum-Inspector General of Police Bihar, Patna.
2. The Police Director General, Bihar, Patna.
3. The Commandant Bihar Military Police -6, Muzaffarpur, North Mandal, Muzaffarpur.
4. The D.I.G. Bihar Military Police (North Division), Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bamdeo Pandey, Advocate
For the Respondent/s : Mr. Anand Kumar, AC to AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 23-11-2021

Heard learned counsel for the parties.

In the instant petition, the petitioner has prayed for following reliefs:

“That this is an application for setting aside the order dated 14.08.2018 passed by the Commandant, Bihar Military Police-6, Muzaffarpur in Departmental Proceeding No. 35 of 2013 whereby he has been pleased to dismiss the petitioner with effect from 14.08.2018 and from 01.01.2013 to 27.09.2013 what he was got, would not get anything.”

During pendency of the present petition, the petitioner had been acquitted in the criminal case. In the present case, the



petitioner has a statutory remedy of appeal before the appellate authority but he has not exhausted the remedy of appeal. On the other hand, in paragraph 13 of the petition, it is stated that the petitioner has no other adequate, efficacious and alternative remedy then the remedy sought for in this case. Such statement is contrary to appeal provision.

In the light of aforesaid facts and circumstances of the case, the petition stands disposed of granting liberty to the petitioner to approach before the appellate authority by filing an appeal within a period of 08 weeks from today. On receipt of such application/appeal, the appellate authority is hereby directed to decide the petitioner’s appeal within a period of four months from the date of petitioner’s appeal.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

