

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6398 of 2020

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Balmiki Kapri Son of Late Nageshwar Prasad Kapri Resident of Village-
Ballikitta, P.O.- Kaushalpur, P.S.- Amarpur, District- Banka at present
suspended Revenue Karamchari, Dhoraiya Anchal, Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms and
Revenue Department, Govt. of Bihar, Patna
2. The Collector cum District Magistrate, Banka
3. The Additional Collector, Banka
4. The Sub Divisional Officer, Banka
5. The DCLR Land Reforms, Banka
6. The Circle Officer, Dhoraiya Circle, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

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

Date : 17-12-2021

Heard the learned counsels for the parties.

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

“i. For issuance of writ in the
nature of Certiorri for quashing the Gyapank
No. 107 dated 27.01.2020 passed by the
Collector, Banka whereby and wherein
punishment has been imposed on the
petitioner by stopping the five increments by
cumulative effect without providing the
enquiry report to the petitioner which is utter
violation of principle of natural justice.

ii. For a direction to the
respondent authorities to release the
increments of the petitioner with
consequential benefits which has been
stopped as per the direction of the Collector,



Banka as a punishment.

iii. For a direction to the respective authorities to pay the full salary of the suspension period of the petitioner.

iv. For any other relief/reliefs if petitioner found entitled in the facts and circumstances of the present case.”

3. Undisputedly, petitioner has statutory remedy of appeal against the penalty order dated 27.01.2020 passed by the Collector, Banka. Therefore, the present petition is pre-mature in the light of Apex Court's decision rendered in the case of ***Jammu and Kashmir V. R.K. Zalpuri*** reported in ***AIR 2016 SC 3006*** at para 20 held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained



delay and laches;
(e) ex facie barred by any laws of limitation;
(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

4. Petitioner is at liberty to prefer an appeal before the appellate authority within a period of eight weeks from today. On receipt of petitioner's memorandum of appeal, the appellate authority is hereby directed to decide the same within a period of three months from the date of receipt of petitioner's memorandum of appeal.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

