

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8476 of 2019**

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Ghosh Choudhari son of Ghamandi Choudhary resident of Village- Kararia,  
P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Muzaffarpur.
5. The District Officer-cum- District Magistrate, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Additional Collector-cum- Inquiry Conducting Officer, Gopalganj.
8. The Circle Officer, Anchal- Gopalganj, District- Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Upendra Yadav, Advocate  
For the Respondent/s : Mr. Manish Kumar (Gp4)

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

**Date : 01-12-2021**

Heard learned counsels for respective parties.

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

*“(i) A certiorari setting aside the order dated 31.01.2019 as contained in Memo No. 154/Sha (Annexure-4) issued under the signature of Respondent District Officer, Gopalganj (Respondent No. 5), whereby and where-under petitioner has been dismissed from the post of Chowkidari in a very casual, arbitrary and malafide mechanical manner without following the clause 164 of Section VIII of Bihar Chaukidar Manual wherein maximum*



*punishment of fine which shall not exceed the amount of one month's salary is prescribed.*

*(ii) A mandamus commanding and directing the Respondents concerned to reinstate the petitioner in service with all consequential benefits.*

*(iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”*

Petitioner has a statutory remedy of appeal before the appellate authority. Without exhausting the remedy of appeal petitioner has approached this Court. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to prefer an appeal before the appellate authority against the order of termination dated 31.01.2019 within a period of six weeks from today. The appellate authority is hereby directed to consider appeal to be filed and pass speaking order within a period of three months from the date of receipt of memorandum of appeal.

**(P. B. Bajanthri, J)**

Vikash/-

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