

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13889 of 2021

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Krishna Mohan Paswan son of Late Ramprit Paswan @ Ramprit Bhagat
resident of village - Basauli, P.S. Raja Pakar (Baranti O.P.), District- Vaishali
at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Superintendent of Police, Vaishali at Hajipur.
5. The Conducting Officer - cum - Additional Collector, Vaishali at Hajipur.
6. The Sub - Divisional Officer, Mahua, District- Vaishali at Hajipur.
7. The Circle Officer, Rajapakar Circle, District- Vaishali at Hajipur.
8. The Station Head Officer, Rajapakar (Baranti O.P.) District- Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

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

Date : 01-12-2021

State counsel has filed counter statement. The same is
taken on record.

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

“(I) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the order dated 10.05.2021 passed by the Respondent no. 3 and contained in his memo no. 601 dated 10.05.2021, whereby and where under the Respondent no.3 was pleased to terminate the petitioner from the service on the ground that since it was passed by the Respondent no.3 without any consideration of



the facts as pleaded by the petitioner in his reply to the second show-cause notice as also it was passed on the basis of vague enquiry report as submitted by the Respondent no.5.

(II) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the enquiry report dated 02.08.2019 submitted by the Respondent no.5 and communicated under his letter no. 1141 dated 02.08.2019, whereby and where under the Respondent no.5 opined that the charges as mentioned in Prapatra-Ka was proved against the petitioner in the enquiry without placing any material in support of prove of charges against the petitioner.

(III) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to reinstate the petitioner in service with all full back wages and continuity in his service.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under facts and circumstances of the case.”

3. The petitioner has statutory remedy of appeal before the appellate authority as against the order dated 10.05.2021 passed by Respondent no. 3. Without exhausting statutory remedy of appeal, petitioner has approached this Court.

4. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to prefer memorandum of appeal before the appellate authority against the order dated 10.05.2021 within a period of four weeks from today. The appellate authority is hereby directed to decide the petitioner's



appeal within a period of three months from the date of receipt of petitioner's memorandum of appeal.

5. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2021
Transmission Date	

