

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.132 of 2021

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Gunjan Kumar Yadav S/o Late Ramadhar Ray Resident of village- Ward No. 9, Basantpur, P.O.- Basantpur, P.S.- Kundwa chainpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, East Champaran at Motihari
3. The Addl. District Magistrate, East Champaran at Motihari
4. The In-Charge Officer, District General Administration, East Champaran, Motihari
5. The Superintendent of Police, East Champaran, Motihari
6. The Sub Divisional Officer, Sadar, East Champaran, Motihari
7. The Sub Divisional Officer, Sikarahna, East Champaran at Motihari
8. The Officer in Charge, Kundw Chainpur, East Champaran
9. The Circle Officer, Ghorasahan, East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Adv.
For the Respondent/s : Mr. Dhurendra Kumar, AC to GP-5

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

Date : 27-10-2021

Heard learned counsel for the petitioner as well as learned counsel for the State.

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 04.01.2019 contained in Memo No. 30 dated 14.01.2019 passed by Respondent District Magistrate counter signed by respondent Addl. Collector as well as Respondent officer-in-charge whereby and where under Respondent District Magistrate has been pleased to



resuspend the petition w.e.f. 19.07.2018 under 2005 C.C.A. Rules 03(ii) and fixed the head quarter of the petitioner in the office of S.D.O., Sadar, East Champaran, Motihari.

- (ii) Further for issuance of an appropriate writ in the nature of MANDAMUS Commanding and directing the Respondent Authority to pay the arrears of subsistence allowance as well as amount of Current subsistence allowance in accordance with law.
- (iii) For issuance of an appropriate writ/writs, order/orders, direction/directions for commanding and directing to the respondent authority for the any other relief/reliefs in basis of facts and circumstances of the case as enumerated and stated herein after.”

3. Undisputed facts are that petitioner has been placed under suspension by the impugned order dated 14.01.2019. Petitioner has a statutory remedy of appeal before the appellate authority under Rule 23 of Bihar C.C.A. Rules, 2005.

4. In the light of these facts and circumstances, the petitioner is hereby directed to prefer a memorandum of appeal before the appellate authority within a period of four weeks from the date of receipt of this order.

5. In the event of filing memorandum of appeal before the appellate authority, the appellate authority is hereby directed to consider each of the contention to be raised by the petitioner in the memorandum of appeal within a period of three months from the date of receipt of memorandum of appeal and pass speaking order and communicate the same to the petitioner.



6. With the aforesaid observation, the writ petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	28.10.2021
Transmission Date	

