

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2581 of 2021

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Ashok Kumar Son of Shivdayal Mahto Resident of Mohalla - Road No. 9,
Green Park Colony, A.D.M. Road, East of Mangal Chowk, P.S. Ramkrishna
Nagar, Khemnichak Town and District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.
2. The Addl. Chief Secretary, Department of Prohibition and Excise,
Government of Bihar, Patna.
3. The Commissioner, Department of Prohibition and Excise, Government of
Bihar, Patna.
4. The Joint Secretary, Department of Prohibition and Excise, Government of
Bihar, Patna.
5. The Special Secretary, Department of Prohibition and Excise, Government
of Bihar, Patna.
6. The Joint Commissioner-cum-Enquiring Officer, Department of Prohibition
and Excise, Government of Bihar, Patna.
7. Assistant Commissioner (Gaya)- cum - Presenting Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Advocate
For the Respondent/s : Mr. Dharendra Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 14-12-2021

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

“That, the application is for issuance of writ in the
nature of certiorari for quashing the order dated 11.06.2020
vide memo no. 1843 (Annexure-12) passed by the
commissioner Department of Prohibition and Excise,
Government of Bihar whereby and where under five annual
increment with cumulative effect has been forfeited imposing
major punishment to the petitioner, even after a clear cut
finding of exoneration from two major charges by the
departmental enquiring officer in departmental enquiry report
and for an appropriate direction/ order/ command directing the



respondent to grant all the consequential benefit from the date of suspension or for any other order or orders as may deem fit and proper in the facts and circumstances of the case.”

Undisputedly, petitioner has a remedy of appeal before the Appellate Authority. Without exhausting statutory remedy of appeal provided under Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, the petitioner has rushed to this Court.

Accordingly, the present petition stands dismissed reserving liberty to the petitioner to prefer an appeal before the Appellate Authority. In the event of filing an appeal within eight weeks from today, Appellate Authority is hereby directed to decide petitioner’s appeal within a period of six months.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.12.2021
Transmission Date	NA

