

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19809 of 2021

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Panchu Yadav Son of Late Jagdev Yadav Resident of Village - Chamarajana,
Koilathan, B.K. Asthan, P.S. - Keoti, District- Darbhanga, Pin - 846005.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Secretary, Home (Special) Department, Government of Bihar, Patna.
3. The Collector, Darbhanga District, Darbhanga.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The Senior Superintendent of Police, Darbhanga District, Darbhanga.
6. The District Commandant, Bihar Home Guards Battalion, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Respondent/s : Md. Nadim Seraj, GP 5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 16-12-2021

Heard learned counsel for the parties.

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

- i. For issuance of appropriate writ(s)/ rule (s)/ direction(s) in the nature of mandamus, commanding the concerned respondents for quashing the order contained in Memo No. 1859 dated 14.04.2020, issued by the Collector, Darbhanga, by which petitioner has been terminated from service of Home Guard.
- ii. For issuance of the direction to the concerned respondents for reinstating the petitioner in service with all consequential benefits w.e.f. the date of termination i.e. 14.04.2020.
- iii. For granting the other relief/reliefs to which the petitioners may found entitled to, on the facts and circumstances of the case.”



Petitioner has a statutory remedy of appeal before the Director General, Home Guard, Bihar. On the other hand, he had preferred appeal before the Commissioner and it is sought to be withdrawn by the petitioner.

In the light of these facts and circumstances, the petitioner is hereby directed to file a memorandum of appeal against the penalty order before the competent authority within a period of eight weeks from today. On receipt of petitioner's memorandum of appeal, Appellate Authority is hereby directed to decide petitioner's appeal within a period of three months from the date of receipt of memorandum of appeal.

The Appellate Authority is hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay in presenting memorandum of appeal, if any.

With the above observation, writ petitions stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2021
Transmission Date	NA

