

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19382 of 2017**

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Shwetambar Jha Son of Late Digambar Jha, Resident of Village-Koilakh,  
P.S.-Rajnagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Commissioner, Koshi Commissioner, Saharsa.
3. The District Collector, Supaul.
4. The Deputy Collection District Establishment, Supaul.
5. The Senior Deputy Collector-Cum-Conducting Officer, Supaul.
6. The Sub-Divisional Officer, Birpur, Supaul.
7. The Block Development Officer, Nirmali, Supaul.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Maya Shankar Mishra  
For the Respondent/s : Mr.Raj Kishore Roy- GP18

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date : 07-04-2021**

Heard learned counsel for the petitioner and learned  
counsel for the respondents through video conference.

2. The following reliefs as formulated by the petitioner have  
been claimed in the writ petition -

*“(i) For quashing the order dated 23.11.2017  
passed by the learned Commissioner, Koshi  
Commissionary, Saharsa in Service Appeal No. 97  
of 2016 whereby and whereunder the order bearing  
Memo No. 1151-2 dated 08.09.2016 passed by the  
District Magistrate, Supaul has been confirmed by  
which the punishment of compulsory retirement  
from service to the petitioner was inflicted; further  
for quashing the aforesaid order bearing Memo No.*



*1151-2 dated 08.09.2016;*

*(ii) For a direction upon the respondents to pay salary of petitioner from the date of issuance of Memo No. 1151-2 dated 08.09.2016 treating the petitioner in service giving the petitioner all legal and consequential benefits for which he is found to be entitled and further for any other relief/reliefs in the facts and circumstances of the case."*

3. At the very outset learned counsel for the petitioner fairly accepts that there is statutory remedy by way of revision under Rule 28 of the C.C.A. Rules, 2005 against the impugned appellate order dated 23.11.2017 passed by the Commissioner, Koshi Commissioner in Service Appeal No. 97 of 2016. As such, the petitioner is capable of being granted the present relief in the statutory forum of revision.

4. Learned counsel for the State appears and affirms that the petitioner has alternative remedy by way of revision under Rule 28 of the C.C.A. Rules, 2005.

5. In the above view of the matter, this Court is not inclined to enter upon the detailed merits of the matter. The writ petition is disposed of granting liberty to the petitioner to approach the concerned authority in revision as may be available in accordance with law.

6. It is made clear that in case such a revision is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering



any issue relating to condonation of delay, if applicable.

**(Vikash Jain, J)**

Chandran/-

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