

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1166 of 2022

=====

Anil Kumar Singh, Son of Late Balmiki Prasad Singh, resident of Chak Ahmad Bhikhanpura, P.S.-Sadar (Muzaffarpur), Dist-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Circle Officer, Saraiya, Muzaffarpur.
4. Mr. Shree Narayan Baitha, son of not known at present Circle Officer, Saraiya, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 19-04-2022

Heard learned counsel for the parties.

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

“For issuance of a writ in the nature of certiorari to quash the order at contained in Memo No. 2940 dated 17.12.2021 (Annexure-1) issued by the Circle Officer, Saraiya (Respondent No. 3) by which he has been relieved from all works of all Halka/Panchayat and has been directed to deposit all the records under his charge in Circle Office and list of the records be handed over to the In-charge Circle



Inspector namely Sudama Rai within 24 hours.”

By way of supplementary affidavit, petitioner has prayed for the following relief/reliefs:

“For quashing the Memo No. 2940 dated 17.12.2021 (Annexure-1) of the writ application. The said memo has been issued by the Circle Officer, Saraiya (Respondent No.3) by which he has been relieved from all the works of Halka/Panchayat.”

The petitioner has not made out a *prima facie* case to entertain the present petition on the score that present petition is premature for the reasons that petitioner has a statutory remedy of appeal before the appellate authority.

Learned counsel for the petitioner submitted that the petitioner has not been provided subsistence allowance despite there is direction of the District Magistrate. If there is any violation of the orders of the District Magistrate by his subordinates, in that event, the petitioner has to approach the District Magistrate complaining that his subordinate officers are disobeying the orders of the District Magistrate in respect of non-payment of the subsistence allowance, the same is not



forthcoming from the records.

Therefore, the aforesaid contention of the petitioner is hereby rejected reserving liberty to the petitioner to approach the District Magistrate in respect of payment of subsistence allowance. If the petitioner is aggrieved by the suspension order, in that event, he is permitted to file appeal before the appellate authority.

Appellate authority to consider petitioner’s appeal within two months from the date of receipt of appeal/representation.

With the above observation, the present petition stands disposed off.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2022
Transmission Date	NA

