

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7755 of 2021

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Babu Narayan Paswan Son of Late Chamru Paswan, resident of Village -
Gaura Shakti, P.O. - Gaura Shakti, P.S. - Moffasil, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Khagaria.
2. District Panchayat Raj Officer, Khagaria.
3. Sub Divisional Office cum Lok Sikayat Nibaran Officer, Khagaria.
4. Prakhand Supply Officer, Gogri (Khagaria).
5. Junior Engineer Electrical Department, Maheshkhunt.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Poddar Suresh Gandhi
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 11-02-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

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

“That, this writ petition has been filed in the
nature of certiorari for quashing the order of Collector
Khagaria and District Panchayat Raj Officer Khagaria dated
9.2.2021 issued vide letter no. - 174 and letter no. 160
whereby the Collector, Khagaria has suspended the petitioner
under Bihar C.C.A Rules 2005, part IV-9(k) with immediate
effect for misappropriation of Rs. 8 lacs, 8 hundred fifty six,
and the District Panchayat Raj Officer, Khagaria has give
direction to Block Development Officer, Beldaur to lodge the
F.I.R. against the petitioner and sent the copy to the Collector
Khagaria by the order of Collector.”



3. Petitioner has a statutory remedy of appeal before the Appellate Authority against order of suspension dated 09.02.2021 under Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. Thus, the present petition is premature in the light of Apex Court decision in the case of ***State of Jammu and Kashmir V/s. R.K. Zalpuri and others*** reported in AIR 2016 SC 3006, Paragraph-20 which is held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;

(b) The petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) Ex facie barred by any laws of limitation;

(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”

4. Accordingly, present petition stands disposed off, reserving liberty to the petitioner to prefer appeal before the

Underline Emphasized



Appellate Authority against order of suspension dated 09.02.2021 within a period of eight weeks from the date of receipt of this order. On receipt of such appeal, the Appellate Authority is hereby directed to examine the appeal and decide it in accordance with law within a period of three months from the date of receipt of such appeal.

5. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

