

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.245 of 2020

In
Civil Writ Jurisdiction Case No.12315 of 2014

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Kishore Kumar Singh Son of Ambika Prasad Singh resident of Village-
Bindtoli, P.O.- Karari Tintanga, P .S. Gopalpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Bihar, Patna
4. The D.I.G. of Police, Bhagalpur Range, Bhagalpur
5. The S.P. Bhagalpur, District- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.
For the Respondent/s : Mr. Prabhat Kumar Verma (AAG-3)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-11-2022

On 14.11.2022, the following orders was passed:-

**“None appears for the
appellant.**

**The question for
consideration in the present appeal is
whether remaining on unauthorized
absence of 400 days followed by dismissal
from service could be interfered by the
judicial forum by way of judicial review
or not?**

**In order to give an
opportunity, relist this matter on
21.11.2022, if there is no representation,
appeal would be decided with the**



available records.”

2. Today, none appears.

3. Perusal of the records, it is evident that appellant was dismissed from service for remaining unauthorized absence for 400 days. Feeling aggrieved by the order of dismissal, appellant had invoked remedy under Article 226 in filing C.W.J.C. No. 14255 of 2007 in which he has suffered and, thereafter, he preferred L.P.A No. 338 of 2013, the same was sought to be withdrawn on 20th March, 2013. Thereafter, he had invoked departmental remedy of filing review before the Reviewing Authority and it was rejected as a time barred. In the absence of reserving liberty to invoke other remedies in L.P.A. No. 338 of 2013, the appellant had invoked review remedy before the department. As long as the order dated 16.10.2012 passed in C.W.J.C. No. 14255 of 2007 is not set aside by this Court. The appellant has no right to file departmental review petition before the Reviewing Authority. These material information has been taken note of by the learned Single Judge in his order dated 22.04.2019 passed in C.W.J.C. No. 12315 of 2014. Therefore, we find the appellant has not made out a prima facie case so as to interfere with the order of the learned Single Judge dated 22.04.2019 passed in C.W.J.C. No. 12315 of 2014.



4. Hence, the L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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