

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9347 of 2022

Indradeo Jha, aged about 53 years, male, son of Ram Lakhan Jha, resident of Village- Bhakhrain, P.S.- Madhepur, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Rural Works, Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The Deputy Development Commissioner, Madhubani.
4. The District Officer-cum- District Magistrate, Madhubani.
5. The Sub- Divisional Officer, Jhanjharpur, District- Madhubani.
6. The Block Development Officer, Jhanjharpur, District- Madhubani.

... .. Respondents

Appearance :

For the Petitioner : Mr. Pramod Mishra, Adv.
For the State : Mr. Ajay, GA-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-08-2022 The matter has been taken up for consideration online.

Heard the parties.

The petitioner, a dismissed *Panchayat* Secretary, has
filed the writ petition for the following relief:-

“I) A certiorari setting aside order dated 14.10.2019 contained in Memo No. 1278 issued under the signature of District Officer-cum-District Magistrate, Madhubani (Respondent No.4), whereby and where-under the Respondent District Officer, Madhubani has in a very casual, illegal and arbitrary manner awarded punishment of compulsory retirement from service against the petitioner who was posted as Panchayat Sachiv, Bloc +P.S.- Jhanjharpur, District- Madhubani under rule-14, sub-rule (Viii), Chapter-V of Bihar C.C.A. Rules, 2005 and directed the Block Development



Officer Jhanjharpur to initiate a certificate case against the petitioner for recovery of Rs. 18,34,338=00 (Rupees Eighteen lacs thirty four thousand three hundred thirty eight) due against him for not completing the allotted work being working agent of the government schemes, completing ignoring well versed show cause explanation/reply submitted by the petitioner explaining therein that he has not defalcated a single rupee of the schemes rather he has been made a scapegoat by the hands of his superior authority.

ii) A Mandamus commanding and directing the Respondents concerned to reinstate the petitioner on his post and allow him to discharge his duties regularly, sincerely and honestly alongwith all its consequential monetary benefits.

In alternatively,

Respondent District Magistrate, Madhubani may be directed to consider the review application of the petitioner filed against the impugned punishment order dated 14.10.2019 contained in Memo No. 1278 and dispose of the same after considering his show cause properly and analyzing the material facts available on the record of the case.

iii) A further Mandamus commanding and directing the Respondent authority concerned to stay the certificate case if any lodged against the petitioner for recovery of alleged due amount of Rs. 18,34,336=00 till final adjudication of this writ application by this Hon'ble Court."

The learned counsel for the petitioner submits that he would be preferring an appeal against the punishment order dated 14-10-2019 before the appropriate/Competent Authority.

In view of such submission, the writ petition need not be kept pending. The same is disposed of with liberty to the



petitioner to avail the remedy of appeal in accordance with law
subject, however, to an observation that the times spent in
pursuing these proceedings would be available to the petitioner
to meet the issue of delay in filing the appeal.

(Madhuresh Prasad, J)

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