

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10591 of 2020

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Bir Bhajan Yadav Son of Late Singhashan Yadav, Resident of Village-
Akauna, Police Station-Simri, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Conducting Officer-cum-Sub-Divisional Officer, Dumraon, District-Buxar.
6. The Representing Office cum-Circle Officer, Simri, District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 11-01-2022

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 sought for
following reliefs:

“ I. For issuance of a writ in the
nature of certiorari or any other appropriate
writ, for quashing of the order as contained in
Memo no. 02-2012 dated 30.11.2018 issued
under the signature of District Magistrate,
Buxar whereby and whereunder it is observed
that after conclusion of departmental
proceeding in the enquiry report all the
charges levelled against the petitioner are
found to be fully proved and hence in light of
above, the District Magistrate, Buxar inflicted
punishment of dismissal from the post of
Chaukidar with effect from the date of



issuance of order under Rule 14(xi) of Bihar Government Servant (Classification control and Appeal) (Amendment) Rule 2007.

II. For issuance of a writ in the nature of mandamus or any other appropriate writ, order or direction, commanding upon the Respondents to reinstate the petitioner on the post of Chaukidar w.e.f. 30.11.2018 as the punishment of dismissal has been passed on the basis of wrong assumption of facts, is evident from proceeding conducted against the petitioner.

III. For holding that the order of dismissal passed against the petitioner is totally illegal and not sustainable in the eye of law, as is based only conjecture and surmises and on wrong assumption of facts.

IV. For issuance of any other writ or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Petitioner has admitted that he had preferred appeal against the order dated 30th November, 2018 of the District Magistrate, Buxar.

4. The appellate authority is hereby directed to decide the petitioner’s appeal within a period of four months from the date of receipt of this order and communicate the decision to the petitioner.

5. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

