

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10734 of 2020

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Hare Ram Yadav Son of Late Nagina Yadav Resident of Village- Simri,
Dudhipatti, 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 Officer 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)
	:	Mr. Manish Kumar, GP 4

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

Date : 12-01-2022

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 prayed for the
following relief/reliefs:

“1. 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. 02-2014 dated 30.11.2018 issued
under the signature of District Magistrate, Buxar whereby and
where under it is observed that after conclusion of
departmental proceedings 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 upon 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 is stated to have submitted statutory appeal before the Appellate Authority against the order dated 30th November, 2018.

4. The Appellate Authority is hereby directed to consider and pass a speaking order on the petitioner’s appeal within a period of three months from the date of receipt of this order.

5. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

