

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10792 of 2020

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RAMDHARI YADAV Son of Late Deo Yadav Resident of village- Sahiyar,
Police Station- Simri, District- Buxar

... .. Petitioner/s

Versus

1. The State 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. Sheo Shankar Prasad SC 8

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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. 02-2013 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 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 has invoked appeal remedy by filing Service Appeal No. 10 of 2019 against the order of dismissal and it is pending consideration before the Appellate Authority. Therefore the Appellate Authority is hereby directed to decide the petitioner’s Service Appeal No. 10 of 2019 within a period of four months from the date of receipt of this order.

4. With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

