

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18352 of 2018

Nutan Kumar Prabhat Son of Late Gauri Shankar Singh, Resident of Christian Quarter, Bettiah, P.S.- Bettiah M, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue, Bihar, Patna.
3. The Commissioner, Tirhut Commissioner, Muzaffarpur-cum-First appellate Authority, Lok Jan Shikayat
4. District Magistrate/Collector, West Champaran, Bettiah.
5. Additional Collector, Bettiah, West Champaran.
6. Additional Collector, Bettiah-cum-Lok Shikayat Redressal Padadhikar, Bettiah.
7. The Conducting Officer-cum-Director, Account Section, Self Employment D.R.D.A., West Champaran at

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan- SC25

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

Date : 20-04-2022

Heard I.A. No. 01 of 2019.

For the reasons stated in the application and affidavit,
the Interlocutory Application No. 01 of 2019 stands allowed.

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For issuance of a writ in the nature of certiorari for setting aside the order passed by Collector, West Champaran, Bettiah vide Letter No. 1063 dated 29.04.2017 whereby and



where under this petitioner suspended from his service with immediate effect (Annexure-1).

(ii) For an appropriate writ, order or direction as may be deem just and proper in the facts and circumstances of the case.

In the instant petition, petitioner has assailed the suspension order dated 29.04.2017 (Annexure-1). During the pendency of the present petition, the disciplinary proceeding was concluded in imposition of penalty of dismissal from service. The petitioner by means of supplementary affidavit questioned the validity of dismissal order. Such challenge is without exhausting the statutory remedy of appeal available to the petitioner. Hon'ble Apex Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;



(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

Insofar as challenge to the dismissal order the present petition is premature. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to prefer an appeal against the dismissal order before the appellate authority within a period of eight weeks from the date of receipt of this order. The appellate authority is hereby directed to take note off Section 14 of the Limitation Act, 1963 for the purpose of condonation of delay in presenting appeal to be submitted. The appellate authority is hereby directed to decide the petitioner’s appeal within a period four months from the date of receipt of this order.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

