

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1350 of 2021

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Ramashish Kumar @ Ramashish Paswan Son of Shivdayal Paswan, Resident of Village-Rajpati, P.O.-Sitamadhi Rampatti, P.S.-Ghorasahan, District-Sitamadhi (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran, Motihari.
4. The Additional Colleve Revnue, East Champaran, Motihari.
5. The Deputy Collector, District Establishment, East Champaran, Motihari.
6. The Circle Officer, Ghorasahan, East Champaran, Motihari.
7. The SHO, Ghorasahan Police Station, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

2 17-01-2022 The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

None appeared for the petitioner.

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

A. A writ in the nature of certiorari or other appropriate writ/s, order/s, direction/s quashing or setting the Memo No. 08 dated 16.01.2020 issued under the signature of District Magistrate, East



Champan, Motihari (Respondent No. 3) whereby and where under the Respondent No. 3 was pleased to other for dismissal of the petitioner from the post of Nazir-cum-Head Clerk of Ghorasahan Circle during relevant time and presently at Harsidhi Block from the date of issuance of the order and was further pleased to debar this petitioner from being eligible for any employment in Government in future and was also pleased to direct the circle officer, Ghorasahan to ensure recovery of the entire defalcated amount from the petitioner as per law, as soon as possible. (Annexure – 9).

B. A writ in the nature of mandamus or other appropriate writ/s, order/s, direction/s commanding the Respondent Authorities to reappoint / rejoin the petitioner as Nazir-cum-Head Clerk, Ghorasahan Circle (Harsidhi Block) as consequence of setting-aside the Memo No. 08 dated 16.01.2020 issued under the signature of the District Magistrate, East Champaran, Motihari with all consequence benefits. (Annexure – 9).

C. To any other relief/s which the



petitioner is found entitled to.

The present petition is pre-mature since the petitioner has not exhausted the statutory remedy of appeal before the Appellate Authority. In the light of the Apex Court decision contained in *State of Jammu and Kashmir V/s. R.K.Zalpuri and others* reported in *AIR 2016 SC 3006 paragraph-20*, the present petition is pre-mature and accordingly the present petition stands disposed of reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of eight weeks from the date of receipt of this order.

On receipt of such appeal, the Appellate Authority is hereby directed to take note of Section 14 of the Limitation Act in condonation of the delay in presenting the appeal and decide the petitioner's appeal within a period of four months from the date of receipt of this order.

(P. B. Bajanthri, J)

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