

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.568 of 2021

Subhash Singh S/o Chandradeo Singh Resident of Village- Khutaha,
(Khutha), P.S.- Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Panchayati Raj Department, Bihar, Patna.
2. District Magistrate Aurangabad, District- Aurangabad.
3. Sub Divisional Officer Daudnagar, Aurangabad, District- Aurangabad.
4. Block Development Officer Madanpur, Aurangabad, District- Aurangabad.
5. Block Development Officer Barun, Aurangabad, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC 8

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

Date : 13-01-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

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

“(i) For issuance of an appropriate writ/writs, in the nature of certiorari for quashing the order dated 01.012019 vide letter No. 20/P passed by learned District Magistrate, Aurangabad by which the petitioner, the Panchayat Secretary under Madanpur Block Aurangabad, was punished under departmental proceeding as compulsory retirement without considering the case at the petitioner property.



(ii) For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to continue the service of the petitioner till the date of retirement.

(iii) To grant any other relief/reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.”

Petitioner has statutory remedy of appeal against the order dated 01.01.2019. Thus, the present petition is premature in the light of Hon’ble Apex Court decision in the case of **State of Jammu and Kashmir vs. R.K. Zalpuri and Others; (AIR 2016 SC 3006)**. Accordingly, the writ petition stands disposed off directing the petitioner to avail statutory remedy of appeal before the appellate authority. If such appeal is preferred by the petitioner, the appellate authority is hereby directed to take note of Section 14 of the Limitation Act and decide the petitioner’s appeal within a period of 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

