

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1177 of 2023

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Rajni Kumari D/o Late Prahlad Mishra, W/o Sri Vijay Kumar Singh R/o
Village- Vasudeopur, Chaputa, P.O.- Rajauli, Hajipur, P.S.- Hajipur Sadar,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Disciplinary Authority-cum-the Regional Deputy Director of Education,
Tirhut Division, Muzaffarpur.
3. The District Education Officer, Vaishali-cum-the Enquiry Officer.
4. The District Programme Officer (Establishment), Vaishali-cum-the
Presenting Officer.
5. The District Education Officer, Muzaffarpur- cum- the Enquiry Officer.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s : Mrs. Binita Singh, SC-28

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 10-02-2023

The order dated 03.09.2022, (Annexure-32)
challenged in the present writ petition, has been passed by the
Regional Deputy Director, Tirhut Division, Muzaffarpur
exercising powers as a Disciplinary Authority under the Bihar
Government Servants (Classification, Control & Appeal) Rules,
2005 (hereinafter referred to as 'the Rules'). The remedy of
appeal against the said order is available under Rule 23 of the
Rules before the Appellate Authority as mentioned in Rules 24
of the Rules. However, without filing an appeal before the



Appellate Authority, this writ petition has been filed directly before this Court.

Learned counsel for the petitioner submits that the enquiry report is vitiated as no evidence was recorded.

In view of their being a statutory remedy of appeal available to the petitioner of filing an appeal (supra), this writ petition is held to be not maintainable and the same is dismissed.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 47

AFR/NAFR	
CAV DATE	
Uploading Date	13.02.2023
Transmission Date	

