

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17763 of 2014

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Madhav Mallik son of late Digamber Mallik resident of Village - Rampur,
P.S. Madhawapur, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Supaul.
3. The Additional District Magistrate, Supaul.
4. The Circle Officer, Triveniganj, District - Supaul.
5. The Treasury Officer, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar, Advocate
For the State	:	Mr.Mujtabul Haque, GP-12
		Mr.Vasant Vikas, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-07-2023 The present writ petition has been filed seeking the
following relief:-

“1. That this is an application for issuance of a writ of certiorari for quashing the order contained in Memo no.1168, dated 15.9.2014 (Annexure- 13) issued under the signature of respondent No.2 by which petitioner has been dismissed from service in most illegal manner since the date of issuance of order under Rule 14(x) of Bihar Government Servant (Classificaion, Control and Appeal) Rules, 2005 and also for issuance of an order/direction/ directing/commanding the respondents to re-instate petitioner in service with all consequential benefits as if the impugned order has not been given effect



and be further pleased to grant such other relief or reliefs to which petitioner is found entitled in the eyes of law.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appeal under Rule 23 of the Bihar Government Servant's (Classification Control and Appeal) Rules, 2005, however, submits that the appellate authority be directed to consider the appeal of the petitioner on merits and be not impeded by the issue of limitation.

Having regard to the limited prayer made by the petitioner, in the present case, I deem it fit and proper to grant liberty to the petitioner to file appropriate appeal against the order of punishment dated 15.09.2014 and in case such an appeal is filed, within a period of four weeks from today the same shall be considered by the appellate authority and a reasoned and a speaking order shall be passed thereon, in accordance with law, within a period of eight weeks, thereafter.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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