

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11937 of 2021

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Ramashish Mahto son of Kapileshwar Mahto resident of Village- Moujampur,
P.S. Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in- Chief-cum- Additional Secretary-cum- Special Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Joint Secretary, Road Construction Department, Government of Bihar, Patna.
5. The Deputy Secretary (Vigilance), Road Construction Department, Government of Bihar, Patna.
6. The Chief Engineer, North Road Construction Department, Government of Bihar, Patna.
7. The Superintending Engineer, Road Construction Department, Road Circle, Darbhanga.
8. The Executive Engineer-cum- Conducting Officer, Road Construction Department, Road Division, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Adv.
For the Respondent/s : Mrs. Pushpangali Sharma, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 24-11-2023

The present writ petition has been filed for quashing the order dated 11.2.2020, passed by the Chief Engineer, North Road Construction Department, Government of Bihar, Patna, i.e. the Respondent No. 6, whereby and whereunder the Appeal



filed by the petitioner has been rejected on the ground of the same being time barred.

2. Shorn of details, it would suffice to state that the Superintending Engineer, Road Construction Department, Road Circle, Darbhanga, had passed the final order in the ongoing departmental proceeding, inflicting the punishment of censor upon the petitioner, vide order dated 12.6.2015, which was challenged by the petitioner, by filing an appeal, on 10.12.2019, however the same has stood rejected by an order dated 11.02.2020, passed by the Respondent No. 6 on the ground of the same having been filed after expiry of the time period prescribed for filing the same.

3. The learned counsel for the petitioner has submitted that some delay had taken place in filing the appeal on account of the fact that his wife was seriously ill, hence, the delay be condoned / ignored and the appeal be directed to be heard on merits.

4. The learned counsel for the Respondent-State has though vehemently opposed the prayer made by the petitioner in the present writ petition, however, the learned counsel is not averse to the idea of the appeal being heard on merits.

5. Having regard to the facts and circumstances of the case,



in the interest of justice and considering the equities, I deem it fit and proper to remand the matter back to the Respondent No. 6 for considering the appeal, filed by the petitioner, on its own merits and passing a reasoned and a speaking order, in accordance with law, forthwith. Consequently, the appellate order dated 11.2.2020, passed by the Respondent No. 6, is quashed.

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

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2023
Transmission Date	NA

