

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8251 of 2023

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Ejaz Rasul son of Late Khadim Rasul, Resident of Village Chakjadu, P.O.-
Dargah Vela, P.s.-Baligao, Distirct-Vaishali, presently working as V.L.W.,
Block-Kudhanni, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. That Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate Muzaffarpur, District-Muzaffarpur.
4. The District Panchayat Raj Officer, Muzaffarpur.
5. The Sub-Divisional Officer-cum-Conducting Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Prakash Shrarma, Adv
For the Respondent/s : Mr.Ajay (GA5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1. For issuace of an appropriate writ/s,
order/s, direction/s in the nature of mandamus
commanding and directing the respondent to
exempt the petitioner from passing departmental
computer eligibility exam in view of clause-iv of the
letter no. 12342 dated 20.10.2021 so that he is not
deprived of the pending salary and other retiral
benefits.*

*II. For issuance of appropriate writ/s
order/s direction/s in the nature of CERTIORARY
quashing the order dated 06.01.2015 (Annexure-
13) passed by respondent no. 2 in appeal case no.
591/2013 whereby the order contained in memo no*



1481 dated 06.11.2013 (Annexure-12) passed by the respondent no. 3 has been confirmed imposing the petitioner with the major penalty of reduction to a lower stage in time scale of pay for a period of three years coupled with a direction that the petitioner will not earn increments of pay during these periods with a further direction that the effect of withholding of increments would be cumulative for the said period,

And further that the petitioner would not be entitled to any payment save and except for the subsistence allowance for the period of suspension.

III. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the respondent no. 3 to restore the time scale of the pay of the petitioner from which he was reduced, with all consequential benefits and pay him all the arrears of difference of salary for the suspension period during which he got only subsistence allowance and also increments which was withheld by way of punishment without any reason with statutory and penal interests.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, Muzaffarpur i.e., respondent no. 3, for redressal of his aforesaid grievance. Liberty, so sought, is granted.

3. It is needless to state that in case appropriate Petition is filed by the petitioner before the respondent no. 3 within a period of two weeks from today, the respondent no. 3



shall consider the same, in accordance with law and pass a reasoned and a speaking order, within a period of eight weeks, thereafter.

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

(Mohit Kumar Shah, J)

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