

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8363 of 2018

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Avinash Kumar Singh S/o Late Ram Sharan Singh, R/o Village- Sahit, P.S.-
Vidyapti Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Special Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
4. The Secretary, Department of Revenue and Land Reforms, Government of
Bihar, Patna.
5. The Joint Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
6. The Joint Director Agriculture Account, Revenue and Land Reforms
Department, Government of Bihar,
7. The District Magistrate, Madhubani, District- Madhubani.
8. The Additional Collector, Madhubani, District- Madhubani.
9. The District Land Acquisition Officer, Madhubani, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.
For the Respondent/s : Mr.Md. Khurshid Alam- AAG12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
quashing the letter No.945 dated 06.10.2017 (Annexure-20)
issued by the Special Secretary, Revenue and Land Reforms
Department, Government of Bihar by which the petitioner was
punished by stopping one increment with cumulative effect. The



further prayer has been made to stay operation of the impugned order dated 06.10.2017 till final disposal of this writ application.

3. Counsel for the petitioner submits that the petitioner has not challenged the said order before appellate authority, but he submits that the final order which is impugned here suffers from series of discrepancies and gross-violation of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules of 2005') have been made.

4. Counsel for the State raised preliminary objection and submits that the order challenged is appealable in the light of the Rules of 2005.

5. In the light of the submissions made, the petitioner is directed to prefer statutory appeal before the competent authority as mentioned in the Rules of 2005.

6. However, the petitioner shall be at liberty to file memo of appeal before the appellate authority within 4 weeks raising all the points which he has challenged in the present writ petition and the appellate authority is directed to pass reasoned and speaking order considering all the points which the petitioner shall challenge in the memo of appeal, granting proper opportunity to the petitioner for hearing within 90 days



thereafter. Since general election of Lok Sabha, 2024 has been notified, therefore, 90 days shall be counted after end of the election.

7. Delay if any, in filing memo of appeal is hereby directed to be condoned.

8. With the aforesaid directions, the present writ application is hereby disposed off.

(Dr. Anshuman, J.)

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