

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11341 of 2024

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Rishikesh Kumar Son of Sri Deonarayan Yadav, Senior Auditor Class-II.
Finance (Audit) Department, Muzaffarpur, P.S-Town, District- Muzaffarpur.
Permanent Address- Residence of Village- Manjhauli, P.S. - Sadar, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through, Principal Secretary, Finance- Department, Bihar, Patna.
2. The Director, Audit Directorate, Finance Department, Patna.
3. The Special Secretary-Cum-Chief Accounts Controller, Finance (Audit) Department, Bihar, Patna.
4. The Additional Secretary, Finance Department, Bihar, Patna.
5. The Under Secretary, Revenue Board, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hriday Narayan Harshit, Advocate
For the Respondent/s	:	Mr. Sita Ram Yadav, G.P. 16
		Mr. Rakesh Kumar Shrivastava, A.C. to G.P. 16

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner has challenged
the order No. 142 dated 31.08.2023 (A) passed by the
respondent No. 2.

3. Learned counsel for the State has raised
preliminary objection and submits that the writ petition of the
petitioner is not maintainable here as he has remedy to prefer
appeal under the Bihar Government Servants (Classification,



Control & Appeal) Rules, 2005 (hereinafter referred to as the 'Rules of 2005'). He submits that the original order was passed on 23.08.2016 by the disciplinary authority which the petitioner has challenged before this Hon'ble Court in CWJC No. 16587 of 2016 in which vide order dated 30.01.2013 this Hon'ble Court has pleased to acknowledge in the order sheet that the said order dated 23.08.2016 has been challenged by the petitioner before the appellate authority as well as before the Hon'ble High Court and during pendency of the writ petition, the appellate authority has set aside the original order and quashed the punishment order in view of procedural infirmity and directed the concerned authority to initiate proceeding afresh against the petitioner on the basis of memo of charge. The said decision of the appellate authority has been affirmed by this Hon'ble Court vide order dated 30.01.2023 in CWJC No. 16587 of 2016 directing the original authority to conclude the proceedings within a period of six months from the date of receipt/production of a copy of this order along with representation after hearing the parties. He submits further that the disciplinary authority thereafter, passed the final order within six months in the light of order passed by this Hon'ble Court contained in Memo No. 142 dated 31.08.2023 and the said order has been challenged by the petitioner directly before



this Hon'ble Court. He further submits that since the order has been passed by the original authority which is appealable under rule 23 of the Rules of 2005.

4. In this view of the matter, this writ petition is dismissed.

5. However, the petitioner is granted liberty to avail the remedy of appeal under the Rules of 2005. It is directed to Appellate Authority that in case filing the appeal by the petitioner, the delay, if any, is directed to be condone.

(Dr. Anshuman, J.)

Ashwini/Aman/-

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