

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12097 of 2024

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Dawarpali Kumar Kisan Son of Shri Jawahar Lal Prasad Kisan, Resident of Lakhaura, Bichala Tola, P.O. and P.S. Lakhaura, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Additional Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Joint Secretary, Rural Development Department, Government of Bihar, Patna.
4. The Deputy Secretary, Rural Development Department, Government of Bihar, Patna.
5. The Collector-cum-District Magistrate, East Champaran at Motihari.
6. The Deputy Development Commissioner, East Champaran at Motihari.
7. The Director, District Rural Development Agency (D.R.D.A), East Champaran at Motihari.
8. The Block Development Officer, Chiraiya, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar, Adv.
For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA1

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-08-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. Counsel for the petitioner submits that the present writ petition has been filed for quashing of the order dated 13.10.2023 passed in Case No.14 of 2023-24 by Collector-cum-District Magistrate , East Champaran, Motihari. Subsequent prayer has been made to quash the order dated 19.03.2020



passed by the Deputy Development Commissioner, East Champaran issued vide Memo No.429 dated 19.03.2020. The further prayer has been made to direct the concerned authority to reinstate/ accept the joining of the petitioner on the post of Gramin Awas Sahayak (Rural Housing Assistant) at Block Chiraiya, East Champaran at Motihari with all consequential benefits.

3. Counsel for the State raised preliminary objection and submits that the petitioner has earlier moved before this Hon'ble Court in C.W.J.C. No.2164 of 2023 in which vide order dated 13.07.2023, liberty was granted to take steps in terms of revisional order before the District Magistrate, East Champaran, and thereafter, the District Magistrate has passed order.

4. Counsel for the State further submits that the petitioner has been convicted in a criminal trial and his appeal is pending before this Hon'ble Court. In the said criminal appeal, he is on bail and pursue his joining till pendency of the criminal appeal.

5. Counsel further submits that in the operative part of the order, it has been categorically mentioned that the joining of the petitioner could not be accepted until and unless, he shall not be acquitted in the trial.



6. Upon consideration of the arguments of the parties, this Court is of the firm view that the position of law is very clear that the petitioner was in service and he was convicted in a criminal trial and though criminal appeal is pending, but stigma of conviction is against him, and hence, this Court is of the view that there is no need of any interference in the order dated 13.10.2023 passed in Case No.14 of 2023-24 by the collector-cum- District Magistrate, East Champaran and till existence of the said conviction, no relief shall be granted to the petitioner.

7. Accordingly, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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