

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14250 of 2024

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Jagat Paswan son of Late Bankey Paswan Resident of village- 27. K. Kurzi
Phulwari, P.S.- Phulwari Sharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Bihar, Patna.
2. The Joint Secretary, Building Construction Department, Bihar, Patna.
3. The Deputy Secretary, Building Construction Department, Bihar, Patna
4. The Under Secretary, Building Construction Department, Bihar, Patna
5. Sudhir Kumar, The Then Chief Enquiry Commissioner cum Principal Secretary, General Administration Department, Bihar, Patna.
6. Deepak Kumar, The Then Additional Departmental Enquiry Commissioner cum Principal Secretary, Labour Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prateek Tandon, Adv
For the Respondent/s	:	Mr. Nadeem Seraj, GP-5
		Mrs. Shalini, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed for challenging the order contained in Memo No. 8154 (ॢ) dated 06.10.2023 (Annexure- P/7) issued by the Deputy Secretary, Building Construction Department, Bihar, Patna by which the petitioner has been demoted to lowest pay scale of Assistant Engineer. Further prayer has been made for quashing of the second Enquiry Report submitted by Chief Enquiry Commissioner dated 13.09.2021 passed in Departmental



Proceeding No. 01/2017 by which the petitioner has been held guilty of the charges which is contrary to finding of the earlier inquiry contained in Memo No. 1594 dated 12.02.2018 (Annexure-P/2) where the petitioner was categorically held not guilty of charge and was exonerated from all the charges.

3. Learned Counsel for the petitioner submits that the petitioner has earlier moved before this Hon'ble Court by filing of C.W.J.C. No. 3946 of 2017 which was decided on 14.09.2017 by which the respondent was directed to conclude the departmental proceeding within a period of four months. Thereafter, upon conclusion of departmental proceeding, the petitioner has been punished. He further submits that the petitioner is aggrieved and dissatisfied with the punishment order, therefore, he has challenged the same before this Hon'ble Court in the present writ petition.

4. Learned Counsel for the State has raised preliminary objection and submits that the petitioner has not exhausted his remedy and has come directly to this Court whereas the appropriate remedy lies to the petitioner challenging the order of punishment in Appeal under the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.



5. In the light of the provisions made in the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, the present writ petition is disposed off granting liberty to the petitioner to avail his remedy before the appropriate forum, in accordance with law.

(Dr. Anshuman, J)

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