

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19161 of 2024

Umlesh Prasad Singh, S/o Late Yogendra Prasad Singh, Resident of village and Post - Mani, P.S. - Bikarmganj, District - Rohtas, Bihar - 802212.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Government of Bihar, Patna.
2. The Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. Joint Secretary, Prohibition, Excise, and Registration Department, Government of Bihar, Patna.
4. Deputy Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
5. Inspector General of Registration, Prohibition, Excise, and Registration Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Shama Sinha, Adv.
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Sanjay Kumar Tiwari, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-12-2024 Heard Ms. Shama Sinha, learned counsel for the petitioner and Mr. Sanjay Kumar Tiwari, learned counsel for the State.

2. The petitioner is aggrieved with the impugned order of dismissal dated 23.08.2024 issued by the Prohibition, Excise and Registration Department, Government of Bihar, as contained in Annexure-P/6 to the writ petition. The impugned order has been assailed on the ground that it is premature, without any evidence, arbitrary and violative of the principles of natural justice, as it was passed without awaiting the conclusion



of the ongoing vigilance investigation in Vigilance Police Station Case No. 6 of 2022 dated 12.02.2022.

3. Various submissions have been made while assailing the impugned order, however, after some arguments, it has been fairly apprised to this Court that against the order of dismissal, the petitioner has also preferred a review application under Rule 24(2) of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, which is pending consideration before Reviewing Authority.

4. Learned counsel for the petitioner further contended that since the petitioner is due for retirement on 31.12.2025 and the undue delay in deciding the review application is causing irreparable loss to the petitioner and thus, in such circumstances, he compelled to approach before this Court.

5. On the other hand, learned counsel for the State submitted that since the review application of the petitioner is pending consideration before Reviewing Authority, any observation made by this Court would be uncalled for.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the review application is pending before Reviewing Authority against the



order impugned herein, it would be apt and proper to dispose off the writ petition with a direction to the respondent no.2, the Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna, to dispose off the review application of the petitioner, positively within a period of six weeks from today.

7. Suffice it to observe that disposal of the writ petition would not affect the right of the petitioner to assail the legality of the dismissal order and its review, in future, if it goes against him.

8. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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