

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4811 of 2020

Paras Nath Singh, Son of Late Indradeo Singh, resident of village- Jagdishpur,
Post- Jagdishpur, Police Station- Navtan and District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Government of Bihar, Patna
2. The District Magistrate, Siwan
3. The Executive Engineer, Saran Canal Division Bhorr, District Siwan
4. The District Compassionate Committee, Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Janardan Prasad Singh, Sr. Advocate
		Mr. Satya Nand Shukla, Advocate
For the Respondent/s	:	Mr. Piyush Kumar Pandey, AC to SC- 11

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

10 07-07-2025 Heard the parties.

2. The petitioner is aggrieved with the order, as contained in letter no. 85, dated 25.01.2020, passed by Executive Engineer, Saran Canal Division Bhorr, Siwan (Respondent no.3) whereby the services of the petitioner, as Peon, came to be terminated and he has been discharged from the services.

3. Though a preliminary objection came to be raised on behalf of the State respondents that the petitioner has efficacious alternative remedy under Rule 23 read with Rule 24 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'the Bihar CCA



Rules, 2005'). However, Mr. Janardan Prasad Singh, learned Senior Advocate for the petitioner resisted the contention by making various submissions, including non-observance of the principles of natural justice.

4. This Court on being persuaded with the submission of the learned Senior Advocate for the petitioner, directed for production of the entire records, in relation to the disciplinary proceedings.

5. Mr. Piyush Kumar Pandey, learned Advocate for the State after going through the records has satisfied the Court that *prima facie* there is no violation of the principles of natural justice, inasmuch as, the petitioner was served with enquiry report along with the second show-cause. In view thereof, in the opinion of this Court, the objection of the State respondents with regard to alternative remedy stands sustained.

6. At this juncture, learned Senior Advocate for the petitioner fairly submitted that the petitioner may be given liberty to avail the alternative remedy, as prescribed under the Bihar CCA Rules, 2005.

7. Considering the fair submission, the present writ petition stands disposed off with a liberty to the petitioner to approach before the Appellate Authority under Rule 23 of the



Bihar CCA Rules, 2005.

8. Suffice it to observe that while considering the application of the petitioner for condonation of delay in preferring appeal, the concerned authority should consider the fact that the matter was kept pending before this Court for such a long period.

9. It is expected that the appeal shall be disposed off on its own merit.

(Harish Kumar, J)

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