

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6515 of 2025

Vinod Giri, son of Ramayan Giri, resident of Village-Bhopatpur, P.S.-
Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Muzaffarpur.
5. The Commissioner, Saran Division, Chapra.
6. The District Magistrate cum Collector, Gopalganj.
7. The Superintendent of Police, Gopalganj.
8. The Additional Collector cum Inquiry Conducting Officer, Gopalganj.
9. The Circle Officer, Anchal-Gopalganj, District-Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat, Advocate Mr. Upendra Yadav, Advocate
For the Respondent/s	:	Mr. Piyush Kumar Pandey, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2025 Heard the parties.

2. At the outset, learned Advocate for the petitioner fairly submitted that on account of inadvertence, some mistake has been occurred while drafting the writ petition, in prayer portion; however, the fact is admitted that the petitioner on being aggrieved with the order of dismissal preferred C.W.J.C. No. 11767 of 2019, which came to be disposed off with a liberty to the petitioner to prefer appeal before the appellate authority,



with a further direction to the appellate authority to take note of Section 14 of the Limitation Act for the purposes of condonation of delay. In pursuant to the liberty granted by this Court, the petitioner preferred Service Appeal No. 68 of 2022 before the learned Commissioner, Saran Division, Chapra by raising various grounds. The learned appellate authority having heard the service appeal, preferred by the petitioner and on being found that there is no evidence as to whether the copy of medical test report has been served upon the petitioner or not, apart from other infirmities, remitted the matter to the District Magistrate, Gopalganj for passing fresh order vide order dated 01.04.2024 after giving a fresh show cause alongwith the medical report, the copy of which is marked as Annexure P/6 to the writ petition. It is further submitted that notwithstanding the matter remitted to the District Magistrate, Gopalganj, moreover, an year has been lapsed, but neither the petitioner has been reinstated, nor the departmental proceeding has further proceeded and bring to its logical conclusion and, as such, in these circumstances the petitioner has approached this Court.

3. Mr. Piyush Kumar Pandey, learned Advocate for the State fairly submitted that since the matter has been remitted to the District Magistrate, Gopalganj, who is the disciplinary



authority in the matter, shall proceed with the departmental proceeding and bring to its logical conclusion.

4. At this juncture, Mr. Amrit Abhijat, learned Advocate for the petitioner further submitted that the identical issue has come up for consideration before this Court, wherein a Bench of this Court in C.W.J.C. No. 2590 of 2022 (Manju Devi vs. The State of Bihar & Ors.), while setting aside the order of dismissal, has held that the Breath Analyzer Test is not the conclusive proof of consumption of alcohol, unless corroborated by blood and urine test; thus a prayer is made that while considering the case of the petitioner by the District Magistrate, he may also consider the decision rendered by this Court as aforenoted.

5. Having considered the submissions advanced on behalf of learned Advocate for the respective parties, this Court deems it apt and proper to dispose off the writ petition with a direction to the District Magistrate, Gopalganj to look into the matter and proceed with the departmental proceeding as directed and remitted by the appellate authority and bring to its logical conclusion, in accordance with law.

6. It is expected that the entire exercise must be completed preferably within a period of six months from the



date of receipt/production of a copy of this order, with a caution
that all the stakeholders must be noticed and given proper
opportunity of hearing.

(Harish Kumar, J)

supratim/-

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