

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1059 of 2017

Arbind Kumar Son of Late Natho Prasad Singh, Resident of Village and PO-
Bakhtiyarpur, Police Station- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Disciplinary Authority cum Special Secretary, Registration, Excise and
Prohibition Department,
3. The Collector, Vaishali, Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. Nalin Vilochan Tiwary, AC to GA- 9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 05-08-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

*i) For issuance of writ in the
nature of certiorari or any other appropriate
writ for quashing the order of punishment
dated 30.09.2016 contained in notification
no. 5162, whereby a minor penalty of
withholding of two annual increments
without cumulative effect under Rule 14(v)
of the Bihar Government Servants
(Classification, Control & Appeal) Rules,
2005 has been imposed on the petitioner.*

*ii) For issuance of any other
appropriate writ, order or direction which
your Lordships may deem fit and proper in
the facts and circumstances of the case.*



3. Learned counsel for the State raised preliminary objection and submits that the order passed by the Disciplinary Authority has been challenged directly before this Hon'ble Court, despite the fact that a statutory appeal lies against the said order under Rules 23 and 24 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

4. It transpires to this Court, upon perusal of the order under challenge, that it is an appealable order.

5. Accordingly, the present writ petition stands disposed off, though the period for filing the appeal has lapsed, this Court hereby grants liberty to the petitioner to prefer an appeal within 30 days from today.

6. It is made clear that any delay in filing the appeal is hereby directed to be condoned. The Appellate Authority shall be taken into consideration that, due to the pendency of the writ petition, the appeal could not be preferred earlier. The appeal shall be decided within a period of four months from the date of its filing.

(Dr. Anshuman, J.)

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