

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8612 of 2024

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Shuddu Kumar Son of Late Dev Prasad, Resident of village- Kanchangarh,
P.O.-Bank, P.S.- Mufasil, District - Munger, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Panchayati Raj.
2. Panchayati Raj Department through its Director, Patna, bihar.
3. District Panchayat Raj Officer, Madhubani, Bihar.
4. Block Development Officer, Phulparas, Madhubani.
5. Block Panchayat Raj Officer, Phulparas, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hitesh Suman, Adv. Mr. Shambhu Kumar, Adv.
For the Respondent/s	:	Mr. Kumar Alok, Standing Counsel 7

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 20-02-2025 Heard learned counsel for the petitioner as well as

counsel for the respondents.

2. The petitioner was appointed as technical assistant in one of the team constituted for the implementation of the scheme namely – ‘Jal Nal and Gali Nali’ scheme. He joined his services on 17.01.2020, it was found that on 27.04.2023 at about 09:30 P.M. petitioner was found in intoxicated condition in his house, a raid was conducted and he was taken in custody and Phulparas P.S. Sanha No. 660 of 2023 was lodged. Thereafter show cause notice was given to the petitioner, on the basis of which the enquiry report submitted by the enquiry officer and



services of the petitioner has been terminated vide order dated 14.12.2023 i.e. Annexure – P/11, hence, this writ petition has been preferred by the petitioner.

3. It is submitted by the counsel for the petitioner that the disciplinary authority arrived on the conclusion that only on the basis of breath analyzer test report, which is not the conclusive proof of consuming liquor by the petitioner, reliance has been placed by the counsel in the judgment passed by the Co-ordinate Bench of this Court in ***CWJC No. 1430 of 2024 “Narendra Kumar Ram Vs. The State of Bihar & Ors.”*** and in ***CWJC No. 2590 of 2022 “Manju Devi Vs. The State of Bihar & Ors.”***

4. Opposing the argument raised by the counsel for the petitioner, it is submitted by the State counsel that there is a remedy available to the petitioner to challenge the impugned order before the appellate authority. Therefore, on this ground along the petition is liable to be dismissed.

5. Perusal of the resolution vide memo no. 4046 dated 25.07.2018, Annexure – P/1 shows that there is a provision of appeal, but in this case no appeal has been filed by the petitioner. Therefore, this Court finds that it would be appropriate to dispose of this petition at this stage giving liberty



to the petitioner to firstly file duly constituted appeal before the appellate forum. Accordingly, the petition is disposed of, petitioner is directed to file a duly constituted appeal before the appellate authority within two weeks from today and in turn the appellate authority is also directed to consider and decide the same in accordance with relevant rules and laws and further taking into consideration the observation made by this Court in the case of *Narendra Kumar Ram Vs. The State of Bihar (supra)* and *Manju Devi Vs. The State of Bihar (supra)* and pass a reasoned order as early as possible probably within 30 days from the submission of appeal. The petitioner is also given liberty to approach this Court again, if occasion arises.

6. With the aforesaid observation, this petition is disposed of.

(Arvind Singh Chandel , J)

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