

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9903 of 2025

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Santosh Kumar Singh S/o Late Ramji Singh, Resident of Village-Pokdihar,
P.S. Mohaniya, Kaimur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Patna Division, Patna.
2. The District Magistrate Cum Collector, Rohtas, Sasaram, Government of Bihar.
3. The Additional Collector, Rohtas, Sasaram, Government of Bihar.
4. The Sub-Divisional Magistrate, Dehri, Rohtas.
5. The Deputy Collector (Establishment), Rohtas.
6. The Block Development Officer, Akodhi Gola, Rohtas, Sasaram, Bihar.
7. The Block Development Officer,, Kochas, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Sr. Adv. Mr. Rajeev Kumar, Adv.
For the Respondent/s	:	Dr. Md. Raisul Haque, SC-10 Md. Obaidullah, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2025 Heard Mr. Jitendra Prasad Singh, learned Senior Advocate representing the petitioner and Mr. Obaidullah, learned Advocate for the State.

2. The petitioner is aggrieved with the Order No. 05/22-23 dated 10.04.2023, passed by the Collector, Rohtas at Sasaram, whereby he has been inflicted with the punishment of compulsory retirement from the post of Nazir, Akodhi Gola, Rohtas at Sasaram.

3. Learned Senior Advocate while assailing the



impugned order has submitted that apart from the fact the entire departmental proceeding vitiates on account of non compliance of the mandatory provisions of Rule 17 (3), (4) and (14) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as, “Rules, 2005”); it is the admitted position that with respect to the same charges, the petitioner was subjected to departmental as well as judicial proceedings. In the judicial proceeding, arising out of institution of the FIR bearing Akodhi Gola P.S. Case No. 174 of 2018, finally the petitioner acquitted of the charges vide judgment dated 04.02.2025 by the Exclusive Special Excise Court No. 1-cum-District & Additional Sessions Judge, Rohtas at Sasaram, the copy of which is placed on record as Annexure-P/6.

4. At this juncture, learned Advocate for the State made a preliminary objection with regard to efficacious alternative remedy, as provided under Rule 23 of the Rules, 2005.

5. This Court finds substance in the submissions made by the learned Advocate for the State, in view of the efficacious statutory remedy of appeal available to the petitioner. Admittedly, without availing such remedy, the petitioner has approached this Court.



6. Learned Senior Advocate for the petitioner shown his apprehension regarding the limitation prescribed in filing appeal under Rule 25.

7. Be that as it may, considering the fact that the petitioner has efficacious statutory remedy, this Court deems it fit and proper to dispose off the writ petition with a liberty to the petitioner to file an appropriate appeal before the appellate authority, preferably within a period of four weeks, from the date of receipt/production of a copy of this order.

8. In case such an appeal is filed along with a petition for condonation of delay, it is expected that the limitation petition shall be condoned sympathetically and the appeal shall be disposed off on its own merit, after considering all the grounds raised, including the grounds taken in the writ petition, expeditiously.

9. With the aforesaid direction, the writ petition stands disposed off.

(Harish Kumar, J)

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