

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11028 of 2025

Rakesh Kumar Tripathi S/o- Late Kavindra Nath Tripathi, (Ex District Welfare Officer, Buxar), R/v- Dumraon, P.S- Dumraon, Distt.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Joint Secretary, Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna.
3. The Special Secretary, Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna.
4. The Director, Scheduled Castes and Scheduled Tribes Welfare Department, Government of Bihar, Patna.
5. The District Magistrate, Buxar, Bihar.
6. The District Welfare Officer, Buxar.
7. The District Treasury Officer, Buxar.
8. The Branch Manager, Axis Bank, Buxar.
9. The Superintendent of Police, Buxar.
10. The Station House Officer of Town Police Station, Buxar, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate
For the Resp nos.1 to 7 & 9,10	:	Mr. Sarvesh Kumar (GP-24)
		Mr. Anuj Kumar, (AC to GP-24)
For the Resp no.8	:	Mr. Dhananjay Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-07-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent no.8.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for commanding/directing the respondents to release all the retiral benefits after fixing the



family pension of the petitioner after quashing the ex-parte order dated 18.12.2020 passed by the Joint Secretary, Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna (respondent no.2).

3. Learned counsel for the State raised preliminary objection and submits that the ultimate prayer is for quashing of the departmental proceeding dated 18.12.2020 which is appealable/order subject to review under Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005'). Petitioner has moved before this Hon'ble Court without challenging the same before the appropriate forum.

4. From the pleadings, it transpires to this Court that the petitioner has retired from the service on 31.01.2021 and retiral dues has not been paid. But from the impugned order which is Annexure-1, it transpires that the petitioner's service was dismissed *vide* departmental resolution no.2126 dated 23.08.2017. As such, it transpires to this Court that until and unless the departmental proceeding shall not be set aside, petitioner is not entitled for any relief, except admissible dues, which the department shall pay within 90 days.

5. In the light of the submissions made, it is hereby



directed to the petitioner to avail the remedy of appeal/review before the concerned authorities under Bihar CCA Rules, 2005.

6. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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