

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8494 of 2024

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Anup Lal Mandal Son of Late Negru Prasad Mandal, Resident of Mohalla-
Chandi Prasad Lane, Kobi Bari, Sikandarpur, Police Station- Mozahidpur,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj
Department, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Additional Collector, Bhagalpur.
4. The District Panchayat Raj Officer, Bhagalpur.
5. The Block Development Officer, Jagdishpur, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary
For the Respondent/s : Mr. Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-02-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for setting
aside the order dated 30.09.2023 contained in Memo No.
10(Pr)/Panchayat (Annexure-P/4) issued under the signature of
the District Magistrate, Bhagalpur whereby and whereunder, full
pension along with Gratuity of the petitioner have been
forfeited.

3. Learned counsel for the State raised a preliminary



objection and submits that the petitioner has the remedy of preferring appeal under Rule 23 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005') against the order impugned here. But, in-spite of preferring appeal, he has directly moved before this Hon'ble Court.

4. In response thereof, learned counsel for the petitioner submits that since, the petitioner is not a government servant, therefore, he has moved directly before this Hon'ble Court.

5. After hearing the parties and upon going through the provisions under Rule 23 and 24 of the Bihar CCA Rules, 2005, Rule 23 provides that a government servant may prefer an appeal against order of suspension or order of punishment. Rule 24(1) further provides that a government servant, including a person who has ceased to be in government service, may prefer an appeal.

6. In this view of the matter, the appeal is maintainable in this case. As such, the petitioner is hereby directed to prefer appeal before the Appellate Authority within 30 days, and the Appellate Authority is directed to pass order on the petitioner's appeal within 90 days thereafter.



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

(Dr. Anshuman, J)

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