

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8715 of 2024

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Ajay Kumar son of Late Churaman Rai, resident of Village-Kamrauli, P.S. Sheohar, District-Sheohar, presently working as Peon in Public Health Sub-Division, Belsand, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer in Chief cum Special Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle, Muzaffarpur.
6. The Executive Engineer, Public Health Division, Sitamarhi.
7. The Assistant Engineer, Public Health Sub-Division, Belsand, District-Sitamarhi.
8. The Assistant Engineer, Public Health Sub-Division, Pupri, District-Sitamarhi.
9. The Assistant Engineer, Public Health Sub-Division, Sitamarhi, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Government Advocate 7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-02-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following relief/s:-

“1. For issuance of an appropriate writ in the nature of CERTIORARI for quashing the part of the office order no.



60 dated 17.12.2018 passed by the Respondent no.6 and contained in his memo no. 1252 dated 17.12.2018, whereby and where under he has been pleased to stop the increment of the petitioner for more than three years with cumulative effect on the ground that the impugned order of punishment was passed in gross violation of the provisions as contemplated under the Bihar CCA Rules, 2005 as also the principles of NATURAL JUSTICE.

II. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to pay the salary of the suspension period after deducting the subsistence allowance to the petitioner.

III. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to grant the annual increments to the petitioner for which he is legally entitled in accordance with law if the impugned order of punishment would not be passed.

IV. For issuance of any other appropriate writ/writs, order/orders,



direction/directions for which the writ petitioner would be entitled under the facts and circumstances of the case.”

3. After some argument, learned counsel for the petitioner submits that the order under challenge i.e. Office Order No.60 dated 17.12.2018 passed by the Respondent no.6, as contained in Memo No. 1252 dated 17.12.2018 (Annexure-P/2) is appealable. As such, he submits that the present writ petition may be disposed off with liberty to prefer appeal against the said order.

4. Learned counsel for the State has no objection for the same.

5. As such, in the light of the submissions made, this writ petition is hereby disposed off, granting liberty to the petitioner to avail his remedy of appeal against the order under challenge.

(Dr. Anshuman, J)

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