

**IN THE HIGH COURT OF JUDICATURE AT  
PATNA**

**Civil Writ Jurisdiction Case No.3311 of 2010**

1. Amir Hasan S/O Md. Subedar R/O Shahbazwan, P.S. +  
Distt.- Gopalganj, At Present Posted As Executive Engineer,  
N.H. Division, Gulzarbagh, Patna

Versus

1. The State Of Bihar  
2. The Secretary Road Construction Department, Government  
Of Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna  
3. The Joint Secretary Road Construction Department,  
Vishwesaraiya Bhawan, Bailey Road, Patna  
4. The Deputy Secretary (Vigilance) Road Construction  
Department, Vishwesaraiya Bhawan, Bailey Road, Patna

3. 30.08.2011

Heard learned Counsel for the petitioner and the learned  
Counsel for the State.

Learned Counsel for the State, at the outset raises a  
preliminary objection to the alternative remedy of appeal available to  
the petitioner under Rule 25 of the Bihar C.C.A. Rules 2005 against  
the order of punishment dated 24.9.2009 in a departmental  
proceeding.

Leave is then sought to withdraw the application for pursuing  
alternate remedy of appeal. Prayer is however made to condone the  
delay as the petitioner was bonafide pursuing his remedy before this  
Court.

If an application is filed for condoning delay in preferring appeal  
keeping in mind that the petitioner had filed the present application and  
that he is being relegated to the alternate remedy on objection on  
behalf of the State any application for condonation under Rule 25 is  
required to be considered in accordance with law in the interest of  
justice.

It is made clear that nothing in the present order shall be construed or opined as any observation on the merits of the case which remains to be decided by the Appellate Authority on all question of facts and law.

The writ applications accordingly dismissed as withdrawn with the liberty as aforesaid.

Snkumar/-

(Navin Sinha,J.)

