High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Writ Petition No.4083/2021

(Suresh Chandra Pandit s/o Mohanlal Pandit
Versus
The State of Madhya Pradesh & another)

Indore, Dated 01.03.2021

Shri Romil Malpani, learned counsel for the petitioner.

Shri Manuraj Singh Chouhan, learned Panel Lawyer for the respondent / State of Madhya Pradesh, on advance notice.

Heard on the question of admission.

O R D E R

This petition under Article 226 of the Constitution of India has been filed by the petitioner against order dated 21.10.2020 (Annexure P/1) passed by the Chief Medical & Health Officer, Neemuch, District Neemuch (MP) whereby minor penalty has been imposed on the petitioner.

2. Counsel for the respondent / State at the outset has raised a preliminary objection regarding the maintainability of the petition on the ground that the petitioner has an alternative, efficacious and statutory remedy available under Rule 23 of the Madhya Pradesh Civil Services (Classification, Control & Appeal) Rules, 1966.

3. Counsel for the petitioner, faced with the aforesaid objection, submits that he may be allowed to withdraw this petition with liberty to pursue other remedy available under law.

4. Prayer appears to be reasonable.

5. Accordingly, the present writ is dismissed as withdrawn with a liberty to the petitioner to pursue an appropriate legal remedy, as is available to him under the law; and if an appeal is preferred by the petitioner, the same shall be entertained by the Appellate Authority without raising any objection as to the delay in filing the appeal.

6. As a result, Writ Petition No.4083/2021 stands disposed of.

Sd/-

(Subodh Abhyankar)
Judge

Pithawe RC

Ramesh Chandra Pithawe
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