

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4349 of 2020

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B. Anamika wife of Shri Neelkamal, Resident of Mohalla - Matri Chaya
R.M.S. Colony, Road no. -1, near New bypass Kankarbagh, P.S. Lohia Nagar,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Superintendent, Bihar Secretariat, Printing Press, Gulzarbath, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Ms. Ritu Rani, Advocate Mr. Vijay Kumar Vimal, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 27-02-2020 Heard learned counsel for the petitioner and learned
Advocate General for the State.

The present writ petition has been filed for issuance
of an appropriate writ in the nature of writ of certiorary or an
appropriate, writ/writs, order/orders, direction/directions for
following:

“I. To hold and declare the Bihar Servant
Conduct Rule, 1976 (hereinafter referred Rule 1976)
issued under the signature of Secretary to the
Government, Personal Department now General
Administration Department, Government of Bihar, as



contained in Annexure-1 is void, ab-initio, illegal and bad in law.

II. Also to hold and declare of Bihar Government Servant Conduct (Amendment) Rule, 2011 which was published in Gazette of 23.11.2011 as contained in Annexure-2 and Bihar Government Servant Conduct (Amendment) Rule 2017 published on 16.02.2017 as contained in Annexure-3 are void ab-initio illegal and bad in law.

III. Also for declaring Bihar Government Servant Conduct Rule, 1976 is not enforceable in the eye of law without Gazette publication on the reason General Administration Department Government of Bihar and Superintendent, Bihar Secretariat, Printing Press, Gulzarbagh have not provided Gazette Publication of Bihar Government Servant Rule, 1976 and notification issued under signature of Secretary by the Govt. to superintendent printing press Gulzarbagh for Gazette publication.

IV. Also for commanding the Additional Chief Secretary, General Administration Department (Respondent No. 2) and Secretary, Bihar Secretariat, Printing Press, Gulzarbagh to produce Government notification authority concerned notification dated 10.02.1976 issued by the then Secretary to the Government, Personnel Department and Gazette publication, Bihar Gazette (Ordinary), part 243 dated 10.02.1976 of Bihar Government Servant Conduct Rule, 1976.

V. Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.”

The sole issue which arises for consideration is as to



whether the provisions of Bihar Servant Conduct Rule, 1976 were actually published in the official Gazette in terms of sub-section (2) of Section 1 of the said Act. The issue, factual in nature, now, in our considered view, need not be adjudicated, in view of the learned Advocate General having placed on record, during the course of the proceedings, copy of the Act, wherein it stands notified that the Act was published in the official Gazette on 10th of February, 1976.

In view of the same, the petition stands disposed off.

(Sanjay Karol, CJ)

(S. Kumar, J)

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