

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4132 of 2020

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Ganesh Kumar S/o Late Agnideo Singh R/o Village- Gidha, Post- Rajepur
Police Station- Sahebganj, in the district of Muzaffarpur- 843111.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna.
3. The Secretary to the Government, Department of Agriculture Directorate, Bihar, Patna.
4. The Director Agriculture, Agriculture Directorate, Govt. of Bihar, Patna.
5. The Joint Agriculture Director (Sasya), Tirhut Division Muzaffarpur.
6. The District Magistrate, Bhojpur at Ara.
7. The Block Development Officer, Tarari, Bhojpur at Ara.
8. The District Agriculture Officer, Bhojpur at Ara.
9. The District Magistrate, Muzaffarpur.
10. The Block Development Officer, Minapur, Muzaffarpur.
11. The District Agriculture Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma
For the Respondent/s : Mr. Jay Prakash Sharma, AC to Gp21

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 02-12-2021

Heard the learned counsels for the parties.

2. In the present petition, petitioner has prayed for
following reliefs:

“(i) For quashing of the order
dated 10.01.2020 contained in memo no.
10/Kri., Patna, issued under the signature
of Dr. N. Sarawan Kumar, the Secretary
to the Government, Department of
Agriculture Directorate, Bihar, Patna,
whereby and whereunder, the appeal



preferred by the petitioner, against the order of dismissal from the service dated 10.06.2019 was held not maintainable, accordingly rejected conferring power under Rule 23 & 24 of Bihar Government Servant Classification, Control & Appeal Rule, 2005.

(ii) Also for quashing of the order dated 10.06.2019, passed by the Director Agriculture, Bihar, Patna, passed in Sanchika no. 2(Go.) Shi-02-104/14---/Kri, Patna 2019 contained in Memo no. 351/Kri Patna dated 10.06.2019, by which the petitioner namely Ganesh Kumar, the then BAO, Minapur Muzaffarpur (under suspension, Head Quarter Joint Director (Sasya) Tirhut Division Muzaffarpur) was dismissed from service, exercising power under Rule 14 of the Bihar Government Servant (Classification, Control & Appeal) Rule, 2005; hereinafter referred to in short, Bihar CCA Rule, 2005.

(iii) Also for quashing of the office order vide Karya. Aaa. Shan. 59/Kri. Muz. Dated 10.06.2019, contained in Memo no. 1209/Kri. Muz. dated 10.06.2019 issued under the signature of Joint Director (Sarya), Tirhut Division, Muzaffarpur, by which the petitioner was restrain to put his attendance in the Attendance Register.

(iv) Also for any other relief/reliefs, for which the petitioner is entitled in the facts and circumstances of the case and in the eye of law.”

3. Disciplinary proceeding was initiated against the petitioner and it was concluded in imposition of penalty of dismissal from service on 10.06.2019. The petitioner was



holding the post of Block Agriculture Officer at Minapur Block.

4. The disciplinary authority is State Government in terms of Rule 6 R/w 7 of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

5. One of the contention in the present petition is that Director of Agriculture is not the competent authority to dismiss or impose penalty on the petitioner. Thus, order of dismissal passed by the Director of Agriculture is without authority of law. Accordingly, the order dated 10.06.2019 is set aside.

6. The instant petition stands allowed reserving liberty to the State to proceed the disciplinary proceedings from the defective stage and conclude the same within a period of six months from the date of receipt of copy of this order.

7. The petitioner shall be taken back to duty and extend all consequential service and monetary benefits during the intervening period.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2021
Transmission Date	

