

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4606 of 2023**

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Shyamu Ram Son of Late Basawan Ram, Resident of village - Bhabhua, P.S. - Bhabhua, District-Kaimur, the then General Manager, District Industry Centre, Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industry, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industry, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Industry, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Dr. Anand Kumar, Advocate  
For the Respondent/s : Mr.Yogendra Prasad Sinha ( Aag 7 )

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      05-12-2023      1.                      The present writ petition has been filed seeking the following reliefs:-

*“i. For setting aside the Notification contained in Memo No.4971 dated 08.11.2022 and Memo No. 5410 dated 29.11.2022 issued under the signature of the Deputy Secretary, Department of Industries, Government of Bihar, Patna (Respondent No. 3) whereby and where under the petitioner has been put under suspension under, contrary to the provisions mentioned in Section 9 of Bihar Government Servant (Classification, Control and Appeal) Rule, 2005, because neither he was put under custody by police more than 48 hours, while posted on the post of General Manager, District*



*Industry Centre, Kaimur (Bhabhua) nor any criminal trial is pending against the petitioner.*

*ii. For setting aside the Charge Sheet contained in Memo No. 5819 dated 14.12.2022, whereby and where under allegation of consumption of liquor as well as moral turpitude have been leveled against the petitioner and a Departmental Proceeding has been contemplated for imposing Major Penalties under Section 17(3) of Bihar Government Servant (Classification, Control and Appeal) Rule, 2005, inspite of the fact that none of the charge constitutes punishment for major misconduct as per Section 4 of Bihar Government Servant Conduct Rules, 1976.*

*iii. For setting aside the letter contained in Memo No. 647 dated 31.01.2023 whereby and where under the Departmental Proceeding has been initiated against the petitioner under Rule- 17 (3) of Bihar Government Servant (Classification, Control and Appeal) Rule, 2005 under the procedure for imposing major penalty, contrary to the charges leveled against the petitioner which are minor in nature.*

*iv. For setting aside the letter contained in Memo No. 1278 dated 24.02.2023, whereby and where under reply dated 24.02.2023 to the show cause has been rejected and a Departmental Inquiry under Section 17(3) for major penalty is being proceeded with inspite of the fact that petitioner has not committed any offence/misconduct as*



*defined in Bihar Government Servant Conduct Rules, 1976.”*

2. At the outset, the learned counsel for the petitioner has limited his prayer to issuance of a direction upon the disciplinary authority to consider the grounds raised by the petitioner, including those canvassed in his written submissions.

It is directed, accordingly.

3. The writ petition stands disposed off.

**(Mohit Kumar Shah, J)**

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