

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.988 of 2021**

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Bipin Kumar Thakur S/o Late Upendra Prasad Thakur resident of in the  
Campus of Dr. Kalam Agriculture College, Kishanganj, P.S. Kishanganj,  
District- Kishanganj.

... .. Petitioner/s

Versus

1. The Bihar Agricultural University through the Registrar, having his office at Sabour, P.S. Sabour, District- Bhagalpur.
2. The Vice- Chancellor, Bihar Agricultural University, having his office at Sabour, P.S. Sabour, District- Bhagalpur.
3. The Director, Administration, Bihar Agricultural University, having his office at Sabour, P.S. Sabour, District- Bhagalpur.

... .. Respondent/s

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**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Mukeshwar Dayal, Adv.      |
| For the State        | : | Mr. Madhaw Prasad Yadaw. GP-23 |
|                      |   | Mr. Arvind Kumar, AC to GP-23  |
| For the University   |   | Mr. Sriram Krishna, Adv.       |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**

**Date : 06-03-2024**

Heard learned counsel for the petitioner, learned  
counsel for the University and learned counsel for the State.

2. The present writ petition has been filed for the  
following reliefs:

*a. That writ in the nature of certiorari  
may be issued for quashing the  
impugned order (Annexure-1) by which  
the petitioner was awarded punishment  
for withholding of four increments with  
non-cumulative effect.*

*b. That any other relief or reliefs for  
which the petitioner is entitled may be  
granted by this Hon'ble Court.*

3. Learned counsel for the petitioner submits that  
the petitioner was initially appointed as Field Overseer on



20.08.1983 in Rajendra Agriculture University and posted at Rajendra Agriculture University, Pusa (hereinafter referred to as 'RAU'). Thereafter, he was promoted as Junior Research Assistant on 10.11.1995. On 24.10.1996, he was transferred from RAU to Agriculture Research Institute, Patna. Petitioner was again transferred from Agriculture Research Institute, Patna to Regional Research Sub-Station, Jalalgarh, Purnea. A Show cause notice has been issued on 01.06.2015 under the signature of Director, Administration in which allegation is levelled against the petitioner for disobedience, misbehavior and fighting. Thereafter, vide Memo No. 367 dated 17.06.2015 the petitioner was put under suspension w.e.f. 01.06.2015 and his headquarter was fixed at Mandan Bharti Agricultural College, Agwanpur, Saharsa. A committee was constituted for hearing the matter and the petitioner appeared before the committee but without furnishing report of the committee by the disciplinary authority, the impugned order has been passed violating the principle of natural justice. The petitioner has also been acquainted on merit in criminal case bearing Jalalgarh P.S. Case No. 67 of 2015, G.R. No. 1965 of 2015, C.I.S. No. 1965 of 2015 passed by the Chief Judicial Magistrate, Purnea and on similar set of facts departmental proceeding was initiated and punishment was awarded to the petitioner, which is not permissible in the eye of law, so the impugned order must be set



aside. Learned counsel for the petitioner has also relied upon the judgment of this Court passed in C.W.J.C. No. 9223 of 2002 (Harinandan Sharma Vs. The State of Bihar & Ors).

4. Learned counsel for the University submits that the petitioner was suspended due to committing gross misconduct, disobedience and offence with his Divisional Head, therefore, the respondent authorities has rightly passed the impugned order.

5. Considering the facts and circumstance of the case and the submissions of learned counsel for the parties, in my view, the petitioner deserves to be granted the same relief which has been granted vide order dated 18.02.2009 passed in C.W.J.C. No. 9223 of 2002.

6. Accordingly, this writ petition is allowed in the light of the order passed in C.W.J.C. No. 9223 of 2002 and the order dated 21.03.2016 (Annexure-1) passed by the respondent authorities, Bhagalpur is set aside with observation that the petitioner is entitled to get the consequential benefits.

**(Anjani Kumar Sharan, J)**

devendra/-

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| AFR/NAFR          | NAFR       |
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