

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9672 of 2025**

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Shashikant Yadav Son of Kashi Nath Yadav Resident of Village-Rahthua,  
P.S.- Raghunathpur, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Represented through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Circle Officer, Brahmpur (Buxar).

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr.Krishna Chandra, Advocate    |
| For the Respondent/s | : | Mr. Sita Ram Yadav, GP-16       |
|                      |   | Mr. Jitendra Kumar, AC to GP-16 |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      24-06-2025                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner has prayed for the following relief/s -

*“i. For issuance of appropriate Writ/Writs, direction/directions in the nature of Certiorari for quashing the Memo No.-5698 dated 19.09.2023 issued under the signature of the Superintendent of Police, Buxar by which the petitioner has been put under suspension for more than one year and in consequence thereof, be pleased to direct the respondents for ensuring consequential benefits as provided in terms of the provisions of the of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 with interest.*

*ii. For further direction to the authorities to make payment of the subsistence*



*allowance to the petitioner in terms of relevant provision of Rule 10 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 on account of departmental enquiry having remained pending for more than one year in the backdrop of the factual position obtaining on record.*

*iii. For any other relief/reliefs which the Hon'ble court may grant in the interest of the petitioner that may be deemed appropriate and necessary in this case.”*

3. Learned counsel for the petitioner submits that the petitioner is aggrieved by the order of suspension dated 19.09.2023, contained in Memo No. 5698, issued under the signature of the Superintendent of Police, Buxar.

4. Learned counsel for the State raises a preliminary objection and submits that under the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, remedy of appeal is available against the order of suspension.

5. In response, learned counsel for the petitioner submits that the petitioner has already filed a representation for redressal of his grievances; however, no decision has been taken thereon. He further submits that though the nomenclature of the representation may be different, the same may be treated as an appeal for all practical purposes.



6. In reply, learned counsel for the State submits that even if the said representation is treated as an appeal, it has not been filed before the appropriate authority, as the appellate authority in such matters is the concerned Collector.

7. In view of the above, the writ petition is disposed of with liberty to the petitioner to prefer an appeal before the Collector concerned within 30 days from the date of this order. Upon receipt of such appeal, the Collector shall consider and decide the same on its own merits within a period of 90 days from the date of filing.

**(Dr. Anshuman, J)**

Ashwini/-

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