

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11123 of 2022

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Gauri Shankar Singh Son of Late Murli Manohar Singh, resident of Village - Sahtha, P.O. - Prataptand, P.S. - Bhagwanpur, District - Vaishali at present working as Block Extension Education Officer, Nauhatta, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, New Secretariat, Patna.
2. Director (Primary) Education, Education Department, New Secretariat, Patna.
3. District Education Officer, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Advocate
For the Respondent/s : Mr. Ram Vinay Prasad Singh, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-01-2025

Heard Mr. Pratap Sharma, learned Advocate for the petitioner and Mr. Ram Vinay Prasad Singh, learned Advocate for the State.

2. The petitioner by invoking the extraordinary jurisdiction of this Court seeking quashing of letter No. 482 dated 23.06.2022, whereby a disciplinary proceeding has been initiated at the instance of the respondent no. 3.

3. Learned Advocate for the petitioner contended that the very initiation of the departmental proceeding is in the teeth of the mandatory prescriptions as provided under the Bihar Government Servants (Classification, Control & Appeal) Rules,



2005 (hereinafter referred to as the 'Rules, 2005'). Considering the prescriptions of Rules, 2005, the Government of Bihar in the Department of General Administration vide its Letter No. 15548 dated 06.12.2017, copy of which is marked as Annexure-1 to the writ petition, has informed all the concerned authorities, including the Principal Secretary/Secretary/the Head of the Departments/the Divisional Commissioner/the District Magistrate to ensure compliance of the mandatory prescriptions of Rules, 2005. Despite the aforesaid facts, the disciplinary authority proceeded in complete defiance of the statutory rules, compelling the petitioner to approach before this Court. It is further contended that during the pendency of the writ petition, the petitioner has also been inflicted with the punishment of stoppage of one increment with cumulative effect vide order dated 12.04.2024, which is put to challenge by filing I.A. No. 1 of 2024. It is the contention of the petitioner that the entire departmental proceeding has been initiated at the behest of the local MLA and for this reason alone, the departmental proceeding and the punishment are fit to be set aside.

4. Learned Advocate for the State submits that, be that as it may, once the order of punishment has already been passed by the disciplinary authority, the petitioner has appropriate



remedy of appeal under Rule 23 of Rules, 2005 before the Appellate Authority.

5. In view of the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the efficacious statutory remedy of appeal under Rules, 2005, this Court deems it proper to dispose off the writ petition with a liberty to the petitioner to file a proper appeal, raising all the pleas, including the grounds raised before this Court. In case such an appeal is preferred before the Appellate Authority within a period of four weeks, the concerned authority shall be under obligation to consider and dispose off the same by a reasoned and speaking order, preferably within a further period of three months, in accordance with law.

6. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	08 .01.2025
Transmission Date	

