

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11082 of 2025

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Priyawart Kumar S/o Prabhu Narayan Pandey, R/o Pandey Tola, Sonwal,
VTC- Sonwal, P.O. and P.S. Sonwal, District- East Champaran, State- Bihar-
845245.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
2. The Joint Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
3. The District Collector, Araria, at P.O, District- Araria.
4. The Additional District Magistrate, Araria at P.O, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad Singh, Sr. Adv. Mr. Vaibhava Veer Shanker, Adv.
For the Respondent/s	:	Mr. Rewti Kant Raman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 24-07-2025

Heard Mr. Umesh Prasad Singh, learned Senior Advocate with Mr. Vaibhava Veer Shanker, learned Advocate for the petitioner through virtual mode and Mr. Rewti Kant Raman, learned AC to SC-11.

2. The petitioner is aggrieved with the order dated 26.03.2025 issued under the signature of Joint Secretary, Revenue and Land Reforms Department, Government of Bihar, whereby and whereunder he has been placed under suspension.



Further challenge is made to a Letter No. 673 dated 30.04.2025, whereby the petitioner has been served with the memo of charge.

3. Learned Senior Advocate referring to the averments made in the writ petition has contended that on account of anonymous complaint, regarding irregularity and thereby amassing disproportionate property, the petitioner was subjected to an internal enquiry by a Three Men Committee. The Three Men Committee after conducting a detailed enquiry submitted a report that the allegation levelled by anonymous person is found to be incorrect based upon no evidence. Irrespective of the aforesaid fact, the respondent authority proceeded further placed the petitioner under suspension, without there being any legal evidence and material. The respondent authority moved further and issued a memo of charge directing the petitioner to submit his explanation. The entire initiation of the departmental proceeding based upon an anonymous letter is nothing but in complete disregard to the Government Letter dated 24.06.2005, the copy of which is marked as Annexure-P/12 issued under the signature of the Chief Secretary, Government of Bihar to all the concerned that on the basis of anonymous, un-named and mischievous complaint, no cognizance should be taken.



4. Learned Senior Advocate further contended that the entire enquiry and the disciplinary proceeding is actuated with malice; as the same is initiated at the behest of the MLA; moreover, the petitioner in response to the memo of charge has submitted his proper explanation, but till date, no decision has been taken at the level of the disciplinary authority. The suspension of the petitioner by the Joint Secretary, Revenue and Land Reforms Department, Government of Bihar is also said to be wholly without jurisdiction and does not warrant, in view of the fact that the Three Men Committee has submitted a report showing innocence of the petitioner.

5. On the other hand, learned Advocate for the State submitted that since the petitioner has already filed his explanation before the disciplinary authority, the same is required to be considered and a final decision is to be taken by him as to whether there is a requirement of initiation of the departmental proceeding or not. He further submits that there is a provision of appeal under Rule 23 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as, "Rules, 2005"); against the order of suspension also, the petitioner may avail such remedy.

6. Having considered the submissions set forth by the



learned Advocate for the respective parties, this Court before parting with the order, opined that the provisions underlying Rules 17(4) and 17(5) of the Rules, 2005 clearly mandates the disciplinary authority to ask show-cause on the charge memo from the delinquent and also of hearing him, in person, before the disciplinary authority takes the decision whether the matter requires further enquiry in the manner prescribed or the explanation is worthy for acceptance. It is for the disciplinary authority to consider reply to charges and on consideration of the cause shown in the reply to decide as to whether to close or to continue with the proceeding by holding disciplinary enquiry into the charges. Admittedly, the petitioner has already filed a detailed explanation before the disciplinary authority, yet it has not been considered by the disciplinary authority.

7. Considering the aforesaid fact, this Court direct the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar to consider the explanation of the petitioner to the imputation levelled in the charge memo and take an appropriate decision based upon the materials available on record, preferably within a period of six weeks, from the date of receipt/production of a copy of this order.

8. This Court further observe that the petitioner may



also approach before the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar for revocation of his suspension within a period of two weeks, by filing an appropriate appeal, in terms with Rules 23 of the Rules, 2005. In case such appeal is preferred, the same shall also be considered, in accordance with law.

9. With the aforesaid observation and direction, the writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2025
Transmission Date	NA

