

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11505 of 2025

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Smt. Nutan, Wife of Ashok Kumar Thakur, Resident of House No. C-56, Sri Krishnapuri, Opposite Sri Krishnapuri Children Park, P.O.- Patna G.P.O, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, of Animal and Fisheries Resources Department, Govt. of Bihar, Vikas Bhawan, Patna.
2. The Secretary, Department of Animal and Fish Resources Department, Govt. of Bihar, Patna.
3. The Director, Fisheries Department, Bihar, Patna.
4. The Joint Secretary, Department of Animal and Fish Resources Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Basant Chaudhary, Sr. Adv. Mr. Ram Nibash Prasad, Adv.
For the Respondent/s	:	Mr. Ajay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-08-2025 Heard learned Senior Advocate Mr. Basant Chaudhary

with Mr. Ram Nibash Prasad, learned Advocate for the

petitioner and Mr. Ajay Kumar, learned Advocate for the State.

2. The petitioner, who has been holding the post of District Fisheries Officer-cum-Chief Executive Officer, East Champaran, Motihari, has invoked the jurisdiction of this Court on being aggrieved with the notification of the Department of Animal and Fish Resources Department, Government of Bihar issued under the signature of the Joint Secretary as contained in Memo No. 238 dated 04.06.2025 whereby the petitioner has been put under suspension in terms with Section 9(1) of the Bihar Government Servant (Classification, Control and Appeal)



Rules, 2005 (in short Rules, 2005).

3. Learned Senior Advocate taking this Court through the averments made therein and the Annexures appended thereto has vehemently contended that surprisingly the memo of charge was served upon the petitioner on 28.05.2025 and in response thereto, the petitioner immediately submitted her explanation on 12.06.2025. However, without considering the explanation of the petitioner as to whether the departmental enquiry is warranted in the matter, they have come out with the suspension order which appears to be wholly actuated with *malafide* apart from in defiance with the statutory rules. Further submission has been made that under Rule 17(4) and (5) of Rules, 2005, the disciplinary authority is under obligation to take a decision based upon the materials brought on record through explanation of the delinquent (petitioner) as to whether the materials available on record requires continuation of the departmental proceeding or not; but the same has not been done yet, though the petitioner has already filed explanation long back on 12.06.2025 (Annexure-P/4). Putting the petitioner under suspension at the fag end of her career is apart from stigmatic, adding to her harassment.

4. Learned Advocate for the State submits that since the explanation of the petitioner is pending consideration before



the disciplinary authority, who shall take a decision in accordance with law.

5. Considering the submissions advanced by learned Advocate for the respective parties, this Court deems it fit and proper to direct the respondent no. 2 and/or the competent authority in this behalf to consider the explanation of the petitioner, the copy of which is placed on record as Annexure P/4 to the writ petition and take an appropriate decision, in terms with Rule 17(4) and (5) of Rules, 2005.

6. Suffice it to observe that against the order impugned, the petitioner shall be at liberty to file an appropriate application before the authority concerned for revocation of her suspension which shall also be considered by the authority in accordance with law, preferably within a period of 4 weeks' from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed with the aforesaid direction.

(Harish Kumar, J)

supratim/-

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