

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6222 of 2022**

=====

Sultan Ahmad Son of Late Jamil Ahmad Resident of At-Haroon Nagar,  
Sector-2, Road No.11, P.S.-Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Administration)-Cum-Additional Secretary, Education Department, Govt. of Bihar, Patna.
4. The District Education Officer, Supaul
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

with  
**Civil Writ Jurisdiction Case No. 13002 of 2023**

=====

Sultan Ahmad Son of Late Jamil Ahmad Resident of At- Haroon Nagar,  
Sector-2, Road No. 11, P.S.- Phulwarisharif, District- Patna, PIN- 801505.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Administration)-cum- Additional Secretary, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

=====

**Appearance :**

(In Civil Writ Jurisdiction Case No. 6222 of 2022)

For the Petitioner/s : Mr. Alok Kumar, Advocate

Mr. Pranav Kumar, Advocate

For the State : Mr. Subhash Chandra Mishra, SC-16

For the Accountant General : Mr. Vivekanand Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 13002 of 2023)

FFor the Petitioner/s : Mr. Alok Kumar, Advocate

Mr. Pranav Kumar, Advocate

For the State : Mr. Umesh Narayan Dubey, AC to GP- 27

For the Accountant General : Mr. Vivekanand Kumar, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

8      19-11-2025      Heard learned counsel for the petitioner and learned



counsel for the respondents.

2. The petitioner who retired as Class I rank officer in the Bihar Education Service while posted as State Programme Officer, New Secretariat, Patna on 30.11.2018 has filed these writ applications for the reliefs as a result of the proceedings under Rule 43(b) of the Bihar Pension Rules having been started against him.

3. The relief prayed for in CWJC no.6222 of 2022 is as follows:

*“That this is an application on behalf of petitioner for issuance of a writ of mandamus directing the respondents to pay the remaining retirement benefits of petitioner i.e. 10% pension and the entire amount of Gratuity which has been withheld by the respondents in the garb of pendency of departmental proceeding which has been initiated after retirement of the petitioner without sanction of the state govt as required under proviso (a) (i) to Rule 43(b) of Bihar Pension Rule and the said departmental proceeding is barred by proviso (a) (ii) to Rule 43(b) because the said departmental proceeding has been initiated for the event which took place far beyond four years from the date of initiation of departmental proceeding AND petitioner further prays for issuance of any other writ/writs, order/ orders, direction/directions which the Hon'ble Court may deem fit and proper.”*

4. The relief prayed for in CWJC no.13002 of 2023 is as follows:



*“That this is an application on behalf of petitioner for issuance of a writ of certiorari for quashing of the notice bearing letter no. 189 dated 27.03.2019 issued by the disciplinary authority by which petitioner has been asked to submit his explanation/reply to the charge memo framed against the petitioner for proposed initiation of proceeding under rule 43(b) of Bihar pension rule for the alleged events which took place during the year 2008-09 to 2012-13 which is far beyond the period of four years from the date of proposed initiation of such proceeding which is barred under proviso (a)(ii) to rule 43(b) of Bihar Pension Rule 1950 and petitioner further prays for issuance of any other writ/writs, order/orders, direction/directions which the Hon’ble Court may deem fit and proper.”*

5. The Court is not going into the details of the case of the parties in view of the developments which have taken place during pendency of the instant application.

6. It may be observed here that from reading of the counter affidavit filed on behalf of the respondents in CWJC no.6222 of 2022, 10% pension as also other dues including the entire amount of gratuity etc. payable to the petitioner were withheld by the respondents in view of the pendency of the proceedings under Rule 43(b).

7. The respondents have filed a supplementary counter affidavit in the case on 12.11.2025 sworn by the Under



Secretary, Education Department, Bihar, Patna, relevant paragraphs of which are reproduced herein below:

*“6. That at the outset, it is humbly submitted that earlier, a counter affidavit had already been filed in this case bringing on records the updated status of the departmental proceeding against the petitioner.*

*7. That it is humbly submitted that during course of examination/consideration on the levelled charge against the petitioner, it has been revealed that the levelled charge against the petitioner is of 2014 or prior to year 2014 and petitioner superannuated from service on 30.11.2018 and hence, it is hit by time barred under the law.*

*8. That thereafter, this matter has been reviewed by the disciplinary authority and after due consideration of the facts and law involved in this matter, came to a definite finding/conclusion that the levelled charge against the petitioner is not covered either under Rule 43 B Rule 139 of Bihar Pension Rules.*

*9. That thereafter, considering the same, the necessary approval of competent authority has been obtained in this matter, and recently, the Education Department, Govt. of Bihar has come out with an order issued vide Memo No i/317886 dated 08.11.2025 whereby and whereunder the petitioner has been exonerated from the levelled charges being time barred under the relevant provisions of law.”*

8. In view of the categorical stand of the respondents as stated in the counter affidavit, relevant portion of which is



quoted herein above and the respondents having come out with the order dated 8.11.2025 under the signature of the Director (Administration), Education Department, Government of Bihar, exonerating the petitioner from the charges levelled and for which the proceedings under Rule 43(b) had been started, both the writ applications are allowed.

9. Any amount withheld by the respondents on account of pendency of the proceedings under Rule 43(b) shall be paid to the petitioner, within a period of two months from the date of receipt/production of a copy of this order.

10. In case the amount is not paid within the aforesaid period, the respondents shall pay cost of Rs.25,000/ as also simple interest at the rate of 6% per annum from the due date till the date of payment, to the petitioner.

11. Both the writ applications stands allowed with the above observations and directions.

**(Partha Sarthy, J)**

Saurabh/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

