

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18122 of 2025

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Rajesh Kumar Son of Arjun Prasad Singh, Resident of village Jagarnathpur
P.S.- Sajour, District Bhagalpur at Present House No. 30, Road No. 6, East
Patel Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Under Secretary, General Administration Department, Government of Bihar, Patna.
4. The Superintendent of Police, Economic Offence Unit, Bailey Road, Patna.
5. Sri Ahmad Mahmood, the Conducting Officer at present Additional Secretary-cum-Director, Science, Technology and Technical Education Department, Government of Bihar, Patna.
6. Sri Mukesh Kumar Agrawal, Deputy Director (Admn.), Directorate of Agriculture-cum-the Presenting Officer, Agriculture Bhawan, Mithapur, Patna -.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kr. Jha, Advocate Mr. Sushil Kumar Jha, Advocate
For the Respondent/s	:	Mr. Standing Counsel (21)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-12-2025 Heard learned counsel for the parties.

2. The petitioner has filed the instant application for
the following relief(s) :-

*“1. That, this writ application is directed against
the contained in Memo no. 16257 dated
29.08.2025 issued under the signature of the
respondent Secretary whereby and where under
the petitioner has been awarded the punishment
of Censor (For the Year, 2022-23) and withhold
three annual increments with cumulative effect,
this apart, the decision for regularization of the
period of suspension kept pending, erroneously,*



in an arbitrary manner, without the charge so leveled being proved. The order has been passed in utter violation of the provisions of the Bihar Government Servants Classification, Control and Appeal) Rules, 2005 (herein after referred to as the CCA Rules).

Admittedly, neither the presenting officer nor any witness proved the charge or the opportunity of examination/ cross-examination of the witness has been extended to the petitioner during course of the enquiry. Even after re-enquiry under Section 17 (2) of the CCA Rules, 2005, none was examined and the presenting officer fairly conceded that he does not have any evidence against the delinquent petitioner.

On the basis of erroneous enquiry, the impugned order of punishment dt.29.08.2025 has been inflicted to the petitioner.

This writ application is also being filed to exonerate the petitioner from all the baseless charges and release the full salary of the petitioner during the period of suspension, consequently.

This writ application is also being filed for other reliefs as well.”

3. At the outset, learned counsel for the respondents raises a preliminary objection to the effect that the petitioner has an alternate and efficacious remedy of preferring an appeal under Rule 24 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

4. After some argument, learned counsel for the petitioner seeks permission to withdraw this application with liberty to file an appropriate appeal before the authority



concerned. It is further prayed that time may be fixed for disposal of the same.

5. Having heard learned counsel for the parties and having perused the contents of the petition, the application is permitted to be withdrawn with the aforesaid liberty of preferring an appeal under Rule 24 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 within a period of four weeks.

6. In case an appeal is filed, the authority concerned shall dispose of the same at the earliest preferably within a period of three months from the date of its filing.

7. It is made clear that the Court has not gone into the merits of the case of the petitioner which is decided by the authority concerned.

8. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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