

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.475 of 2024

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Mritunjay Kumar S/o Rajeshwari Singh Resident of Vilalge-Angra, P.S.-
Aanti, District-Gaya. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additinal Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director Secondary Education, Bihar, Patna.
4. The regional Deputy Director of Education, Magadh Division, Gaya
5. The District Education Officer, Gaya.
6. The District Programme Officer, Establishment, Gaya.

... .. Respondents.

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Ravindra Kumar, Advocate
For the State	:	Government Pleader 20

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-02-2025 Heard Mr. Pushkar Narain Shahi, learned senior

counsel assisted by Mr. Ravindra Kumar, learned counsel for the

petitioner and learned counsel for the State.

2. By filing the present writ application, the petitioner seeks quashing of memo no.304 dated 04.02.2021 issued under the signature of the Director, Secondary Education, Bihar, Patna whereby and whereunder the two increments of salary of the petitioner has been withheld with cumulative effect and further it has been held that he will not be entitled for anything except the subsistence allowance during the suspension period and also to quash the memo no.1063 dated 17.06.2021 issued under the



signature of the Additional Chief Secretary, Education Department, Bihar by which the appeal of the petitioner has been rejected and also to quash letter no.305 dated 04.02.2021 issued under the signature of the Director, Secondary Education, Bihar by which a direction has been issued to recover the alleged extra amount collected from the students and/or for issuance of any other writ/s and/or order/s and/or direction/s which is just and equitable in facts and circumstances of the case.

3. By order dated 29.01.2025, learned counsel for the State was directed to produce the records of the departmental proceeding. In compliance of the same, learned counsel for the State has produced the said record.

4. I perused the record. From perusal of the record, it appears that charge memo has been given to the petitioner but neither any document nor list of document nor the list of witness was supplied to him. No any witness was examined in the departmental proceedings only on the basis of departmental report, the petitioner was slapped with major punishment. There is violation of Rule 17 (3) (b) and 17 (5) (a) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.



5. Learned senior counsel for the petitioner relied upon the judgment in the case of **Roop Singh Negi Vs. Punjab National Bank and others** reported in **2009 (2) SCC 570**.

6. Having heard learned counsel for the parties and perusing the materials available on record as also the judgment in the case of **Roop Singh Negi (supra)**, memo no.304 dated 04.02.2021, issued under the signature of the Director, Secondary Education (Annexure-21 to the writ application) and the letter no.305 dated 04.02.2021, issued under the signature of the Director, Secondary Education (Annexure-22 to the writ application) are hereby set aside and this writ application is allowed. However, the State would be at liberty to initiate the departmental proceeding afresh in accordance with law.

(Anjani Kumar Sharan, J)

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