

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1196 of 2026

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Anubhuti Srivastava Son of Late Rajendra Prasad, Resident of Flat No. 407
B, Aparna Mansion, Tilak Nagar, Rukanpura, P.S. Rupaspur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Patna.
3. The Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Patna.
4. The Additional Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Patna.
5. The Under Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Patna.
6. The Additional Director General of Police, Economic Offence Unit, Shi Krishna Singh Path, Patna 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Avinash Shekhar, Advocate Ms. Simran Kumari, Advocate Ms. Abhilasha Jha, Advocate
For the State	:	Mr. Sanjay Kumar, AC to GP-17
For the EoU	:	Mr. Rana Vikram Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 03-02-2026

Heard learned counsel for the petitioner, learned



counsel for the State and learned counsel for the Economic Offences Unit.

2. The present writ petition has been filed for the following relief/s _

“To issue and appropriate writ, order or direction in the nature of certiorari for quashing of the order contained in Memo No. 10 dated 04.01.2026 (received by the petitioner on 14.01.2026) issued by the Principal Secretary, whereby and whereunder the representation dated 23.08.2025 filed by the petitioner has been disposed of in light of order dated 17.12.2025 passed by this Hon’ble Court in CWJC No. 16714 of 2025 and the suspension order of the petitioner contained in memo no. 3608 dated 04.10.2025 has been kept intact.

(ii) To issue an appropriate writ, order or direction in the nature of certiorari for quashing of order contained in memo no. 3608 dated 04.10.2025 issued by the Respondent Under Secretary, Urban Development and Housing Department, under Rule 9(1) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, whereby and whereunder the petitioner has been placed under suspension on account of Economic Offence P.S. Case No. 20/2025 registered on 18.08.2025 under Section 49 and 61 of the Bhartiya Nyaya Sanhita, 2023 and section 12,13 (2) and 13(1) (b) of the Prevention of Corruption Act, 1988 and in contemplation of a departmental enquiry.

(iii) To hold and declare that since no



order renewing the suspension of the petitioner has been passed in terms of Rule 9(7) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, the suspension of the petitioner shall be deemed to be revoked and the petitioner has the right to be reinstated.

(iv) Consequent to grant of relief no.(i), (ii) and (iii) above, this Hon'ble Court may further direct the respondents to allow the petitioner to resume his services.

(v) To grant/award any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner had earlier approached this Hon'ble Court by filing CWJC No. 16714 of 2025, which was disposed of with a direction to the Appointing Authority (Respondent No. 2) to consider the representation submitted by the petitioner before the Secretary, Urban Development and Housing Department, Bihar, dated 23.08.2025, and to take a decision prior to 04.01.2026 as to whether the representation and explanation of the petitioner were sufficient to explain his source of income and accumulated assets. It was further directed that if the Appointing Authority (Respondent No. 2) found the representation satisfactory, the order of suspension shall be



revoked; failing which, sub-rule (7) of Rule 9 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 would come into operation.

4. Learned counsel for the petitioner further submits that the impugned order, as contained in Memo No. 10 dated 04.01.2026 (received by the petitioner on 14.01.2026), issued by the Principal Secretary, Urban Development and Housing Department, Government of Bihar (Annexure-P/8 series), is wholly illegal and not in consonance with Rule 9(7) of the CCA Rules, 2005. It is submitted that no reasons, as mandatorily required under Rule 9(7) of the CCA Rules, 2005, have been assigned in the said order and, therefore, the same is bad in law and fit to be set aside. Learned counsel further submits that despite the petitioner having already furnished his explanation vide report dated 23.08.2025, the order of suspension dated 04.10.2025 was passed. Hence, on this ground alone, both the suspension order dated 04.10.2025 and the consequential order dated 04.01.2026 are liable to be quashed.

5. Learned counsel further submits that from page 97, it is evident that the order which was alleged to be passed on 04.01.2026 was has been posted on 10.01.2026, i.e., after the petitioner had preferred a representation as well as filed a



contempt petition. It is, therefore, contended that the impugned order is back-dated and, on this count also, the suspension order dated 04.10.2025 contained in Memo No. 3608 and the order dated 04.01.2026 contained in Memo No. 10 are fit to be set aside.

6. On the other hand, learned counsel for the State submits that sufficient reasons have already been assigned in the order contained in Memo No. 10 dated 04.01.2026, wherein it has been recorded that there is gross violation of the Bihar Government Servants' Conduct Rules, 1976. Hence, the contention of the learned counsel for the petitioner that no reasons have been assigned cannot be accepted.

7. Learned counsel appearing for the Economic Offences Unit submits that the matter pertains to a Disproportionate Assets case, wherein allegations have been made that the petitioner has been found in possession of assets disproportionate to the extent of 78.91%. On account thereof, a criminal prosecution has also been instituted, and any finding in the criminal proceedings shall be subject to the final outcome of the said prosecution. He further submits that the action taken in the departmental proceedings squarely falls within the domain of the disciplinary authority and does not lie within the domain



of the Economic Offences Unit.

8. After hearing the parties, it transpires to this Court that Relief No. (ii), i.e., quashing of the suspension order dated 04.10.2025 contained in Memo No. 3608, had already been subjected to judicial scrutiny before a Co-ordinate Bench of this Court in CWJC No. 16714 of 2025. Only after considering the said relief, the Co-ordinate Bench was pleased to dispose of the writ petition vide order dated 17.12.2025, observing as follows:-

17. In view of such circumstances and having heard the learned counsels for the petitioner and the State-respondents, the instant writ petition is disposed of directing the Appointing Authority (Respondent No. 2) to consider the representation filed by the petitioner to the Secretary Urban Development and Housing Department, Bihar, Patna on 23rd of August, 2025 to come to a decision prior to 4th of January, 2026, as to whether the representation and explanation of the petitioner is sufficient to explain his source of income and the accumulated assets. If the Appointing Authority (Respondent No. 2) finds the representation of the petitioner satisfactory, the order of suspension shall be revoked, failing which sub-Rule 7, Rule 9 of the Bihar Government Servants (CCA) Rules, 2005 shall come into force.

18. The instant writ petition is, accordingly, disposed of, on contest. ”

9.It transpires to this Court that the Co-ordinate Bench of this Court had passed a specific order directing consideration of the petitioner's representation and had provided



two options, namely, that if the explanation furnished by the petitioner was found satisfactory, the suspension order dated 04.10.2025 was to be revoked, and if not, the provisions of sub-rule (7) of Rule 9 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 were to be invoked. Therefore, this Court finds that there is no violation of Rule 9(7) of the Rules, 2005.

10. The only limited issue that now falls for consideration before this Court is as to whether the order passed by the Co-ordinate Bench has been complied with in its true letter and spirit. Upon examination of the impugned order contained in Memo No. 10 dated 04.01.2026, it transpires to this Court that the allegations relating to the Disproportionate Assets case have been duly noticed in the FIR and the alleged violation of Rule 16(2) of the Bihar Government Servants' Conduct Rules, 1976 has been specifically discussed, recording a finding that the said rule has been violated.

11. In view of the above, the contention of the petitioner that the impugned order is devoid of reasons cannot be accepted. However, without entering into the merits or demerits of the allegations, this Court deems it appropriate to dismiss the present writ petition, granting liberty to the



petitioner to raise all such points as may be available to him before the Enquiry Officer at the appropriate stage, in accordance with law.

12. With the aforesaid observations and directions, the present writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	05/02/2026
Transmission Date	NA

