

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1925 of 2022

Vijay Kumar Jha Son of Satya Narayan Jha, Resident of S.S.P. Office, R.T.I. Section, Police Station-Kotwali, District- Gaya, at Present Resident of Vilalge- Madhuban, Police Station- Kanti, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Central Range, Patna.
4. The Superintendent of Police, Bihar Sharif, Nalanda
5. The Deputy Superintendent of Police (Traffic)-Cum-Inquiry Officer, Bihar Sharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kumar Singh, Advocate Mr. Aakash Singh, Advocate
For the Respondent/s	:	Md. Nadim Seraj (GP-5)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
CAV JUDGMENT
Date : 20-02-2026

Heard learned Counsel for the petitioner and
learned Counsel for the State.

2. The present writ petition has been filed by the
petitioner with the following reliefs:-

*“I. For issuance of writ in
nature of certiorari for quashing of Nalanda
District order no. 1325 of 2021 in
departmental proceedings number 04 of
2021 contained in memo no. 4424 dated
23.07.2021 issued by Superintendent of*



Police, Nalanda, whereby the petitioner has been subjected to the punishment of withholding of two annual increments with cumulative effect and no payment during the suspension period except the subsistence allowance.

II. For issuance of writ in nature of certiorari for quashing of the Nalanda District Order No. 1947 of 2021 contained in Memo No. 6909 dated 21.11.2021 issued by the Superintendent of Police, Nalanda which is communicated to the petitioner that appeal preferred by him against the District Order no. 1325 of 2021 has been rejected.

III. For issuance of writ in the nature of certiorari for quashing of the inquiry report dated 18.06.2021 submitted by the Inquiry Officer-TYSP (Traffic) Bihar Sharif, Nalanda whereby the charge of viral audio of the petitioner for demand of illegal gratification to release the vehicles is found to be proved in absence of cogent evidence to support and corroborate the charge and without considering the explanation of the petitioner in correct perspective.

IV. For holding that the whole Departmental Proceeding including the order of punishment is vitiated and unsustainable on account of not following



the mandatory procedures prescribed by law particularly the provisions of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as the CCA Rules, 2005).

V. For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned Counsel for the petitioner submits that while the petitioner was posted as Assistant Sub-Inspector at Deepnagar P.S., an audio clip became viral on social media wherein the police officer was demanding money in lieu of releasing four vehicles. He submits that S.D.P.O., Sadar, Nalanda, after inquiring into the matter issued letter No.357 dated 23.01.2021 to the Superintendent of Police, Nalanda, claiming that the voice of the police officer in the aforementioned audio clip is of the petitioner and further requested to initiate appropriate proceedings against him. Counsel submits that petitioner was suspended on subsistence allowance vide Nalanda District order No.129 dated 24.01.2021. Counsel submits that the petitioner was then asked to submit his response to the charges levelled against him. Thereafter, vide Memo No.737 dated 08.02.2021, the petitioner submitted a detailed response through letter dated 15.02.2021. He submits



that departmental proceeding was initiated against the petitioner vide Nalanda District Order No.340 of 2021. Counsel submits that the petitioner submitted a letter to the authority concerned to take back his suspension. However, the same was rejected and accordingly directions were issued to initiate departmental proceeding vide Nalanda District order No.391 of 2021 dated 05.03.2021. Thereafter, the petitioner served three letters, two of them were served to S.P. Naldana while one was served to Operating Officer-cum-Vice President, Traffic, stating his defence for setting aside and discharging the departmental proceeding initiated against him. Counsel submits that respondent No.4 submitted his inquiry report dated 18.06.2021 by which he came to the conclusion that the charges levelled against the petitioner are genuine and stands proved.

4. Learned Counsel for the petitioner further submits that on the basis of the inquiry report, the petitioner was directed to submit his final response by Superintendent of Police, Nalanda, vide Memo No.3753 dated 29.06.2021. Thereafter, the petitioner vide his letter dated 13.07.2021 submitted a response to the S.P. Nalanda, reiterating his defence along with raising objections for quashing the proceeding. Counsel submits that vide Nalanda District Order No.1325 of



2021, Memo No.4424 dated 23.07.2021, the petitioner was held liable for the charges levelled against him and punishment of withholding of two annual increments with cumulative effect along with no payment of salary except subsistence allowance was accorded to the petitioner. Thereafter, petitioner filed appeal before the I.G. Patna on 18.09.2021 against the aforesaid order and the same was rejected and notified through Nalanda District Order No.1947 of 2021 dated 21.11.2021. Counsel submits that the charges framed against the petitioner is vague and not specific because there is absence of registration number of the vehicle and the name of the drivers of the said vehicles, which is illegal and unsustainable in view of Rule 17(3) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as the 'CCA Rules, 2005'). Counsel submits that no relevant witness has been examined during the inquiry and only formal witnesses, who identified the documents and signatures, were examined. Counsel submits that the inquiry/conducting officer had not taken step to procure the original copy of audio from the F.S.L. As such, the charges levelled against the petitioner were merely proved on the basis of surmises and conjunctures. Counsel submits that the inquiry officer submitted his final report without cross-examining the



witnesses during departmental proceeding even though the petitioner raised this point in his statement submitted before the conducting inquiry officer. Counsel submits that the inquiry officer has submitted the report without adhering to the principles of natural justice, more particularly right to cross-examine the witnesses during the course of departmental proceeding despite having raised this point in his written statement submitted before the conducting officer. He submitted that the petitioner has been subjected to major punishment of withholding of two annual increments with cumulative effect, which is quite disproportionate to the charges levelled against him. Counsel further submits that in the light of the glaring discrepancies in the departmental proceedings the petitioner must be acquitted from the said charge and the punishment imposed on him should be removed.

5. Learned Counsel for the State-respondents, on the other hand, submits that while the petitioner was posted as Assistant Sub-Inspector at Deepnagar P.S., an audio clip became viral on social media wherein the police officer was demanding money in lieu of releasing four vehicles. He submits that on perusal of the viral audio, it transpires that some vehicle were intercepted and to release the same Rs.300/- for each vehicle



was being demanded from the concerned persons. The concerned driver of the vehicle was ready to give Rs.200/- per vehicle for releasing the same, upon which threatening was given by the police officers. Thereafter, the matter was inquired by the S.D.P.O., Sadar, Bihar Sharif, Nalanda, and in course of that the concerned audio clip was displayed before the petitioner, whose voice was identified in the said viral audio clip and during enquiry it was admitted by the petitioner that the said audio clip relates to him, but the same is old one. He submits that from the audio clip the voice of the petitioner was tallied. Thereafter, considering the seriousness of the matter, which amounts to tarnish the reputation of the police in public, recommendation was made by the S.D.P.O., Sadar, Bihar Sharif, Nalanda, vide Memo No.357 dated 23.01.2021 to the Superintendent of Police, Bihar Sharif, Nalanda. Counsel submits that in the light of the recommendation of the S.D.P.O. and considering the gravity of the allegation against the petitioner, the petitioner was put under suspension vide Nalanda District Order No.129/2021 contained in Memo No.543 dated 24.01.2021. Thereafter, the petitioner was asked to submit show cause vide Memo No.737 dated 08.02.2021. Counsel submits that in response to the notice the petitioner submitted his



explanation on 15.02.2021 with denial of the charges framed against him and claimed that the concerned audio clip is edited and fake. However, being dissatisfied with the explanation of the petitioner, a decision was taken by respondent No.4 to initiate departmental proceeding against the petitioner and for that Sri Arun Kumar Singh, Deputy Superintendent of Police (Traffic), Bihar Sharif, Nalanda, was nominated as conducting officer and A.S.I. Sri Ramjeet Chaudhary as presenting officer of the departmental enquiry vide Nalanda District Order No.340/2021 contained in Memo No.1212 dated 26.02.2021. He submits that vide Nalanda District Order No.391/2021 contained in Memo No.1386 dated 05.03.2021, the suspension of the petitioner was revoked and the departmental proceeding was directed to be initiated. He submits that in course of departmental enquiry, the petitioner was given ample opportunity to defend him and cross-examine the witnesses, but he denied to cross-examine the witnesses and in support of defence, the petitioner repeated the explanation without any reliable and convincing evidence and, then, after thorough enquiry the petitioner was held guilty of the charges framed against him. Counsel submits that in the light of the enquiry report, the petitioner was asked to submit last defense



explanation vide Memo No.3753 dated 29.06.2021 issued by the respondent No.4. Counsel submits that considering the entire aspect of the matter and the evidences available on record, the petitioner was found guilty and accordingly, vide Nalanda District Order No.1325 dated 23.07.2021, contained in Memo No.4424, awarded punishment to the petitioner withholding of his two annual increments with cumulative effect and no payment for the period of suspension except subsistence allowance will be given. Counsel submits that the said punishment order was assailed by the petitioner before the Inspector General, Central Range, Patna, by way of filing appeal but the same was dismissed with observation that no concrete evidence has been adduced by the petitioner in the memo of appeal on the basis of which the order passed by the disciplinary authority may not be interfered vide order as contained in Memo No.2551 dated 21.10.2021 passed by the Inspector General, Central Range, Patna and consequent order vide Nalanda District Order No.1947/2021 contained in Memo No.6909 dated 21.11.2021. He further submits that the punishment awarded upon the petitioner is proper, legal and justified and it requires no interference in view of the facts that the act of the petitioner is very serious by which, reputation of the police department has



been tarnished in the eyes of the society. He submits that in view of the facts and circumstances as referred above, this writ petition has got no merit and is fit to be dismissed.

6. Upon hearing the parties, it transpires to this Court that in the departmental proceeding charges have been framed with allegation of demand of money. In the departmental proceeding, proper opportunity has been provided to the petitioner to defend himself. Nowhere it has been alleged that there is a procedural mistake in conduction of departmental proceeding. The Forensic Science Laboratory report with regard to audio clip has been taken, opportunity of examination and cross-examination have been provided to him. The only point that original copy of audio from the FSL has not been provided. In this regard, it is well settled that when report of the FSL has come then it is to be taken care of and there is no need of providing the original copy of audio to the delinquent. There is direct material against the petitioner that the delinquent himself accepted his sound in the audio clip before the S.D.P.O., Sadar, Bihar Sharif. Therefore, the finding of the disciplinary authority that the delinquent is responsible as held in the order of the disciplinary authority and appellate authority and on the proving of charge there is no need of any interference



in this matter. Hence, this Court is not inclined to interfere in this matter.

7. So far as the punishment is concerned, the punishment imposed upon the petitioner is of withholding of two annual increments with cumulative effect and no payment during the suspension period except the subsistence allowance. This Court deems that such punishment is exorbitant in nature, therefore, it is only being modified in the following terms:

“The petitioner shall be subjected to the punishment of withholding of two annual increments with non cumulative effect and no payment during the suspension period except the subsistence allowance”

8. With the aforesaid direction, this writ petition is disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	20.01.2026
Uploading Date	20.02.2026
Transmission Date	

