IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2516 of 2023

CNR No. BRHC010101602023

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Ajay Kumar Sinha S/o Suresh Prasad Sinha, resident of H.N. 14/192, Near Dena Bank (Now, Bank of Baroda) East. Ashok Nagar, Road No. 14, Gali No. 5, Kankarbagh, Sampatchak, Patna Lohia Nagar Bihar- 800020, UIDAI Aadhar No. 859838172679, Mobile No. 9430829400.

... ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Old Secretariat, Patna- 800015.
2. The Additional Chief Secretary, Department of Education, Government of Bihar.
3. The Director Secretary Education, Department of Education, Government of Bihar, Patna.
4. Sri Chandrashekhar Sharma, Deputy Director, Secondary Education, Department of Education, Govt. of Bihar, Patna.
5. Sri Arvind Kumar Sinha, Assistant Director, Secondary Education, Department of Education, Govt. of Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Bishwajeet Kumar, Adv.
For the Respondent/s : Mrs.Bandana Singh, SC19
Mr.Dhananjay Kumar Tiwary, AC to SC19

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 27-10-2026

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

2. Learned counsel for the petitioner submits that the present writ petition has been filed with the following reliefs:-

i. For issuance of writ / writs, order/ orders to grant relief to the petitioner to set aside / quash ज्ञापांक मा०शि०/स्था० 'क'*-24/1996-2306* पटना *dated 23.11.2021 / 24.11.2021, issued by respondent no. 3 and* ज्ञापांक मा०शि० स्था 'क' *-24/1996-606* पटना *dated 31.03.2022 / 04.04.2022 issued by Respondent no.2 to the petitioner.*

ii. For commanding the respondents

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grant relief to the petitioner specially because the petitioner has been granted punishment by respondents for not at all any fault by the petitioner and need for sustaining his life with all dignity.

iii. For commanding the respondents to grnat relief to the petitioner under the provisions of "Bihar Government Servant (Classification, control & Appeal) Rules 2005.

iv. For commanding the respondents to grant relief to the petitioner specially because the petitioner is in deprived condition and in great economic need for sustaining his life with all dignity.

v. For that any other writ / writs, order / orders, direction / directions as this Hon'ble Court may deem fit and proper as the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the punishment has been imposed against the petitioner inspite of the fact that no clear cut finding has come in the enquiry report. He further submits that it was the period of Covid-2019 and the petitioner was ill during the period from August, 2020 to October, 2020 and he has not committed any wrong rather make every effort to produce documents well within time.

4. Counsel further submits that the punishment order has been passed in gross violation of Bihar Government Servant (Classification, Control & Appeal) Rules, 2005 (hereinafter

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referred as Bihar CCA Rules, 2005) and no second show-cause has been served upon him. He further submits that the petitioner has also submitted unconditional apology and requested to respondent No.3 for closure of departmental proceeding and free him with all allegation/charges. But inspite of the fact that punishment has been inflicted upon him.

5. Counsel further submits that the appellate authority has also not been considered this aspect of the matter and inspite of exonerating him from charges, the order passed by the original authority has been affirmed.

6. Learned counsel for the State, on the other hand, submits that the punishment imposed upon the petitioner is basically minor in nature and for imposing minor punishment, there is no need of conducting enquiry rather show-cause and its reply is sufficient to take decision as per Rule 19 of the Bihar CCA Rules, 2005.

7. Counsel further submits that Annexure-6 of the writ petition is most relevant in which the petitioner has accepted his guilt and demanded apology, which is sufficient for passing punishment order against him. He further submits that the minor punishment order has been passed only by considering the problem of the petitioner. He further submits that there is no illegality in the said order.

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8. With a view to adjudicate this case, this Court deems it appropriate to quote Rule 19 of the Bihar CCA Rules, 2005, which reads as under:-

> ***19. Procedure for imposing minor penalties.****-(1) Subject to the provisions of sub-rule (3) of Rule 18, no order imposing on a Government Servant any of the penalties specified in clauses (i) to (v) of Rule 14 shall be made except after-*
>
> *(a) informing the Government Servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;*
>
> *(b) holding an inquiry in the manner laid down in sub-rules (3) to (23) of Rule 17, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;*
>
> *(c) taking the representation, if any, submitted by the Government Servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;*
>
> *(d) recording a finding on each imputation of misconduct or misbehaviour; and*
>
> *(e) consulting the Commission where such consultation is necessary.*
>
> *(2) The record of the proceedings in such cases shall include-*
>
> *(i) a copy of the intimation to the Government Servant of the proposal to take action against him;*
>
> *(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;*
>
> *(iii) his representation if any;*
>
> *(iv) the evidence produced during the*

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inquiry;

(v) the advice of the Commission, if any;

(vi) the findings of each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefor.

9. Upon hearing the parties and bare perusal of the said rule, it transpires to this Court that there is no need of holding full fledged enquiry for imposing minor punishment. It also transpires vide Annexure-6 of the writ petition that the petitioner has accepted his guilt and demanded unconditional apology. This Court finds that the punishment is basically minor one and wrong has been accepted by the petitioner. The basic of service jurisprudence is preponderance of probability. Demanding unconditional apology on which exoneration used to be made is the jurisprudence of the contempt proceeding, but the present petitioner is under departmental proceeding.

10. In this view of the matter, this Court is not inclined to interfere in the orders impugned and, hence, the present writ petition is hereby dismissed.

(Dr. Anshuman, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.10.2026
Transmission Date	NA

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