

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2856 of 2022

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Sheela Devi Wife of Sri Suresh Maharaj Resident of Village- Chandanpura,
Police Station- Jamalpur in the district of Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General (Prison), Government of Bihar, Patna.
4. The Deputy Inspector General (Admn.), Government of Bihar, Patna.
5. The Superintendent, Central Jail, Beur, Patna.
6. The Superintendent, District Jail, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Raju Patel (A.C. To A.G.)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 21-01-2026

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

2. The present writ application has been filed for
issuance of an appropriate writ/writs, order/orders,
direction/directions for the following relief/s:-

*“1. To quash the order contained in
Memo No. 1021 dated 13.2.2015
passed by the respondent no.4 by
which two punishment has been*



inflicted against the petitioner i.e. (i) Censure and (ii) Punishment to withheld Four increment with cumulative effect in most illegal and arbitrary manner.

II. Also to quash the order contained in Memo No. 4550 dated 4.8.2015 by which decision was taken that except Subsistence allowance nothing will be paid to the petitioner during her suspension period which is in complete violation of the Natural Justice.

III. Also to quash the order contained in Memo No. 4809 dated 17.8.2015 passed by the respondent no.2 by which the appeal filed on behalf of the petitioner, against the order of punishment contained in Memo No. 1021 dated 13.2.2015 passed by respondent no.4, has been rejected in most mechanical and arbitrary manner without considering the material available on record and also without considering the fact that the Departmental Inquiry conducted by the Conducting Officer is no enquiry in the eye of law as it has been done in complete violation of Natural Justice and also without following the



mandate of law.

IV. Also to direct the respondents to give all services consequential benefit to the petitioner.

V. Also for other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

3. Learned counsel for the petitioner submits that the petitioner was posted as Warder in Kishanganj Jail and time to time in the different jails. During the relevant period, she was posted in the Central Jail, Beur, Patna. On 03.06.2014, one female prisoner was sent to P.M.C.H with the petitioner as well as one Home Guard as a security. Counsel submits that on 03.06.2014, the petitioner was on duty from 12 Noon to 6 P.M and after 6 P.M., the petitioner was called from the Central Jail, Beur and instructed her to go with the female prisoner for her treatment in P.M.C.H. The petitioner requested that she has just completed her duty so other female warder may be authorized to take the prisoner to P.M.C.H., but she was pressurized and lastly the petitioner having no option left but to take away the prisoner for her treatment in P.M.C.H, Patna along with the Home Guard. Counsel submits that on 03.06.2014 at about 7 P.M, the petitioner with Home Guard proceeded to P.M.C.H along with



the prisoner, but after check-up, the doctor declared her fit and declined to admit the prisoner at about 10 P.M. In the meantime, the said Home Guard all of a sudden disappeared from the P.M.C.H and the petitioner having no option informed the Jail Authorities about the said incident and requested the authorities to send a vehicle so that she and the prisoner could return. But the Jail Authorities instructed the petitioner to stay in the P.M.C.H with the prisoner due to unavailability of the driver and vehicle, with assurance that the vehicle will be sent in the morning. So, the petitioner and the prisoner stayed near the main gate of female ward. Thereafter, at about 3 A.M., the prisoner requested for a natural call and the petitioner took her near the toilet room and waited outside, but after 20 to 25 minutes when no response was made by the prisoner, then the petitioner found that the said prisoner fled away. Thereafter, the petitioner raised *halla* and also informed the Jail Authorities about the whole incident. Subsequently, the said prisoner was apprehended by the police and again sent to Beur Jail.

4. Learned counsel for the petitioner further submits that thereafter, the petitioner was suspended and a departmental proceeding was initiated against her. Counsel submits that on the basis of charge alleged, there were two



punishments imposed. First is minor and another is major punishment. In the said departmental proceeding, the petitioner has defended herself and explained all the things, but she found guilty by the Enquiry Officer followed by the punishment by the Disciplinary Authority of censure and stoppage of four increments with cumulative effect. Counsel further submits that the petitioner has preferred service appeal against the order of punishment contained in Memo No.1021 dated 13.02.2015 (Annexure-1), but her service appeal was also rejected *vide* Memo No.4809 dated 17.08.2015 (Annexure-3). Counsel submits that there are certain facts which are very fatal for deciding this case which is that the petitioner is a lady she has admittedly served her duty and thereafter sent to P.M.C.H for treatment of lady prisoner with only one home guard and that home guard fled away in the night and the petitioner was completely unaware that the said prisoner in the name of natural call will fled away. The petitioner has also informed about every incident to her superiors well within time. Counsel submits that seeing the situation in entirety, the punishment imposed upon her is excessive in nature. Counsel therefore submits that a sympathetic view may be taken into consideration towards the petitioner in this matter.



5. Learned counsel for the State on the other hand submits that the present writ application has been filed with undue delay and there is no procedural lapse in the matter, and that the departmental proceeding was conducted in accordance with the principles of natural justice. He further submits that there is no need for any interference by this Hon'ble Court in this matter.

6. Upon hearing the parties, it transpires to this Court that there is no procedural lapse in this matter as well as there is no violation of principles of natural justice. However, the Court is of the view that the major punishment imposed in this situation is excessive in nature. Therefore, this Court only modifies the punishment by removing the cumulative effect deducting four increments and hereby modifies the punishment as follows:-

“(a) Censure

(b) Stoppage of four increments without cumulative effect.”

7. Accordingly, with the above modification, this writ petition stands disposed off. The petitioner shall be at liberty to move before the authority concerned by way of filing fresh representation for consideration of her entitlement during



the suspension period in accordance with Rule 97 of the Bihar Service Code read with Rule 10 to 13 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. All the benefits after passing of the present order shall also be considered.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/01/2026
Transmission Date	NA

