

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7853 of 2025

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Rakesh Kumar Roy S/o Sri Lal Bahadur Roy, R/o Sona Singh Gali,
Ladarwaja, P.S. Kotwali, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Under Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The High Court of Judicature at Patna through its Registrar General, Patna.
5. The Registrar General, Patna High Court, Patna.
6. The Registrar (Vigilance) cum Inquiry Officer, Patna High Court, Patna.
7. The Officer on Special Duty cum Presenting Officer, Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Adv.
Mr. Abhijeet, Adv.
For the Respondent/s : Mr. Government Pleader (24)
Mr. Piyush Lal, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANSUL @ ANSHUL RAJ

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-01-2026



This writ petition has been filed by Rakesh Kumar

Roy with the following prayer:-

- “i. For issuance of a writ in the nature of Certiorari or any other writ, order or direction for quashing the Notification of the General Administration Department, Govt. of Bihar contained in Memo No. 7593 dated 04.06.19 (Annexure 17) whereby and whereunder in terms of the recommendation of the Hon'ble Patna High Court the Petitioner has been dismissed from the Post of Judicial Magistrate 1st Class-cum-Additional Munsif, Darbhanga.*
- ii. For issuance of a writ in the nature of certiorari or any other writ, order or direction for quashing the resolution dated 10th March 2019 taken by the Hon'ble Standing Committee of the Hon'ble Patna High Court (Annexure 14) whereby and whereunder the Full Court dismissed the Petitioner from services and directed the Registrar General to lodge an F.I.R under the Prevention of Corruption Act, 1988.*
- iii. For issuance of a writ in the nature of certiorari or any other writ, order or direction for quashing the entire disciplinary proceeding arising out of Departmental Enquiry No. 01/2016 (including the inquiry report, and consequential orders passed pursuant thereto, etc.).*
- iv. For issuance of a writ in the nature of certiorari or any other writ, order or direction for quashing the F.I.R. and consequential criminal proceedings arising out of Complaint filed by the Registrar General pursuant to the impugned order of*



- dismissal.*
- v. *For issuance of a writ of mandamus or any other writ order or direction commanding reinstatement of the Petitioner and for grant of all consequential benefits to which the Petitioner would be entitled to.*
 - vi. *For issuance of any other writ or order(s) or direction(s) to which the Petitioner may be found entitled to by this Hon'ble Court in the facts and circumstances of the case."*

2. This Court initiated a departmental proceeding against the petitioner, who was then posted as Judicial Magistrate, First Class, Darbhanga and the articles of charge were served upon the petitioner vide Memo No. 6262/2016/Legal Cell, dated 28.01.2016, issued by Court, which are as follows:

- i. *Charge No.1 is connected with S.B.Account No. 30319819595 in the name of delinquent regarding 58 entries of total amount valued of Rs.50,91,214/- [(fifty lacs ninety one thousand two hundred fourteen) (detailed in Annexure II at pages 5 and 6 of File 'A')].*
- ii. *Charge No. 2 is connected with Account No. 10157028842 in the name of Sri Lal Bahadur Rai, father of delinquent regarding six entries of total amount valued of Rs.73,600/- [(seventy three*



thousand six hundred) (detailed in Annexure II at page 7 File 'A')].

- iii. *Charge No. 3 is connected with Account No. 30582059004 in the name of Smt. Rajbala Rashmi, W/O the delinquent, regarding 281 entries of total amount valued of Rs.65,28,306/- [(sixty five lacs twenty eight thousand three hundred six) (detailed in Annexure II at pages 8 to 17 of File 'A')].*
- iv. *Charge No. 4 is that of amount of Rs.2,40,000/- was debited from the account of the wife of the delinquent on the same day i.e. 29.8.2012 with an intention to cover up the illegal monetary gains deposited in the account of the wife of the delinquent and also concocted a story of sale of his car for Rs.1,00,000/- to one Sanjay Kumar.*
- v. *Charge No. 5 is that Sri Ram Dayal Paswan, father-in-law of the delinquent had deposited amount regularly in the Saving Bank Account of State Bank of India of the delinquent and his wife which is not a usual practice in the normal social life and is highly unbelievable.*
- vi. *Charge No. 6 is that the delinquent has*



tried to cover up his judicial mistakes by taking a plea that his Peons have regularly made deposits in his account as well as in the account of his wife of State Bank of India, which is unusual and gives an impression of acceptance of illegal money through Peons.

3. In pursuance of the disciplinary proceedings arising out of departmental enquiry no. 01/2016 conducted, the Enquiry Officer reached at the following findings:

- 1. Regarding charge no. 1, the Enquiry Officer found that the delinquent failed to satisfactorily explain the source of 18 cash deposits made in S.B.Account No. 30319819595. The evidence establishes that deposits were made on consecutive or alternative dates, which is uncommon to prudent banking practices and suggests irregular monetary transactions. The Enquiry Officer further opined that the delinquent failed to satisfactorily explain the source of his cash deposits and therefore, he held that charge stands proved as the delinquent failed to maintain absolute integrity as a member of Judicial Services, amounting to gross misconduct within the ambit of Bihar Government Servant Conduct Rules;*



2. *Regarding charge no. 2, the Enquiry Officer found that transactions in the account of the delinquent's father i.e. S.B. Account No. 10157028842 were made in normal and natural course of affairs between a father and son, therefore, it may not be categorized as financial irregularity;*
3. *Regarding charge no. 3, the Enquiry Officer found that 87 cash deposits in the wife's account remained unexplained and indicate financial impropriety. The pattern of deposits on consecutive dates factored with self-deposit which were termed as savings is shoddy and mischievous. The Enquiry Officer has further opined that the delinquent has further told white lies regarding the deposits in his wife's account by him, his father-in-law and his sister as self-deposits;*
4. *Regarding charge no. 4, the Enquiry Officer found the sale of the cars to be genuine. However, concerning the transaction of Rs. 2,40,000/- for alleged land purchase, the delinquent failed to produce any agreement of sale or supporting documentation despite the substantial amount involved, which the enquiry officer found to be peculiar and unheard of and created a strong inference*



of financial irregularity;

5. *Regarding charge no. 5, the Enquiry Officer found that deposits made by Ram Gyan Paswan, father-in-law of the delinquent, in the accounts of the delinquent and his wife were highly suspicious and disproportionate to his known income. The evidence establishes that Ram Gyan Paswan deposited Rs. 1,75,000/- in the year 2010 to his daughter and son-in-law despite his monthly salary being only Rs. 24,000/-, making such generosity financially impossible from legitimate sources. The inability to explain the source of such disproportionate payments creates a strong circumstance indicating lack of maintenance of financial probity.*
 6. *Regarding charge no. 6, the Enquiry officer found that unexplained cash deposits were made in the savings bank accounts of the delinquent officer and his wife through the office peon, as evidenced by the testimony of witnesses and the failure of the delinquent to disclose the source of the said amounts was treated as a material circumstance indicating that the funds were routed by the delinquent into the said accounts.*
4. A copy of the aforesaid findings of the Enquiry



Officer in the departmental proceedings were supplied to the petitioner on 06/12/2018. Thereafter, the petitioner submitted a comprehensive representation against the findings on 17/01/2019. Upon a detailed perusal of the enquiry report and the petitioner's representation, the petitioner was dismissed from the post of the Judicial Magistrate, 1st Class-cum-Additional Munsif, Dharbhanga, vide Memo No. 7593, dated 04.06.2019.

5. When we made a query to the learned counsel for the petitioner as to what explanation has been offered by the petitioner for explaining the delay in approaching this Court challenging the dismissal order dated 04.06.2019 after more than six and half years, there was no satisfactory answer to that effect. No explanation has been furnished in the writ petition. However, the learned counsel submits that delay and laches cannot be the sole ground not to entertain the writ petition. He also submits that it is a case of no evidence.

6. With respect to the issue of delay and laches, the issue is no more *res integra* rather the Hon'ble Apex Court in the case of **Mrinmov Maitv vs. Chhanda Koley, (2024) 15 SCC 215** has held that:

“11. For filing of a writ petition, there is no doubt that no fixed period of limitation is



prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, inasmuch as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court....”

7. On perusal of the charges framed against the petitioner so also the inquiry report, we find that there is no illegality or infirmity in the same. Principle of natural justice has been followed and the petitioner has been provided with due opportunity to place his case and it cannot be said that the finding is not sustainable in the eyes of law.

In the case of **Deputy General Manager (Appellate**



Authority) and Ors. Vs. Ajai Kumar Srivastava (2021) 2

SCC 612 the Hon'ble Supreme Court in para 23 held that:

“23. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional Courts Under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court in State of Tamil Nadu v. T.V. Venugopalan 1994(6) SCC 302....”

8. In view of the charges framed and the findings arrived at in the departmental enquiry, it appears that the integrity of the petitioner is doubtful.

In the case of **C. Ravichandran Iyer vs. Justice A.M. Bhattacharjee & Others 1995(5) SCC 457** the Hon'ble Apex Court highlighted the level of integrity requisite in a Judicial Officer by stating in para 21 that:

“ 21. Judicial office is essentially a public trust. Society is, therefore, entitled to expect that a Judge must be a man of high integrity, honesty and required to have moral vigour, ethical firmness and impervious to



corrupt or venial influences. He is required to keep most exacting standards of propriety in judicial conduct. Any conduct which tends to undermine public confidence in the integrity and impartiality of the court would be deleterious to the efficacy of judicial process. Society, therefore, expects higher standards of conduct and rectitude from a Judge. Unwritten code of conduct is writ large for judicial officers to emulate and imbibe high moral or ethical standards expected of a higher judicial functionary, as wholesome standard of conduct which would generate public confidence, accord dignity to the judicial office and enhance public image, not only of the Judge but the court itself. It is, therefore, a basic requirement that a Judge's official and personal conduct be free from impropriety; the same must be in tune with the highest standard of propriety and probity. The standard of conduct is higher than that expected of a layman and also higher than that expected of an advocate. In fact, even his private life must adhere to high standards of probity and propriety, higher than those deemed acceptable for others. Therefore, the Judge can ill-afford to seek shelter from the fallen standard in the society....”

9. In view of the limited scope in interference of this



Court with such order, in view of the settled law as decided in the case of **Deputy General Manager (Appellate Authority) and Ors. Vs. Ajai Kumar Srivastava** (supra) we are not inclined to grant any relief sought for in this writ petition.

10. Accordingly, the writ petition stands dismissed.

11. Interlocutory Application(s), if any, shall stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Ansul @ Anshul Raj, J)

Siddharth Soni/-

AFR/NAFR	
CAV DATE	
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