

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4420 of 2026**

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Kumar Shambhu Singh @ Kumar Shambhu Sharan Singh Son of Late Baidnath Singh, Resident of Village- Mathiya di, P.S.- Chhatauni District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Health Department, Bihar, Patna.
2. The Director in Chief, Health Department, Bihar, Patna.
3. The Civil Surgeon Cum Chief Medical Officer, Betiah West Champaran.
4. The Additional Superintendent Cum Assistant Additional Chief Medical Officer, Motihari, East Champaran.
5. In-charge Medical Officer, Primary Health Centre Narkatiaganj, West Champaran.
6. The Vigilance Department, North Bihar, Through the Additional Director General, Vigilance Department, Patna..

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------|
| For the Petitioner/s | : | Mr. Vijay Shankar Shrivastava, Advocate |
| For the State        | : | Mrs. Archana Meenakshee (GP-6)          |
|                      |   | Mr. Rana Veer Prawar (AC to GP-6)       |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      26-03-2026                      Heard learned counsel for the petitioner and learned counsel for the State.

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

*“I. For issuance of a writ in the nature of Certiorari quashing the Memo No.- 2147 dated 20-10-2021 issued under the signature of Civil Surgeon Cum Chief medical Officer, West Champaran Betiah as Contained in Annexure-P/7 to the writ petition whereby and*



*where under the Petitioner has been suspended from his service under the Bihar Government Servants (Classification, Control and Appeal) Rule 2005 with the immediate effect and the petitioner's headquarter was fixed at Primary Health Centre Chanpatia during the suspension period and the Petitioner is entitled to get only sustains allowance under the Rule-10 of the Bihar Government Servants (Classification, Control and Appeal) Rule 2005.*

*II. For issuance of a writ in the nature of Mandamus commanding and directing the Respondents to restore the possession of the Petitioner as on before issuance of the Memo No. 1433 dated 15-10-2020 and allow the Petitioner to discharge his duty and also grant all benefits including the salary etc. admissible in the eye of law under the fact and circumstances of the presnt case as the Petitioner was paying his salary and other allowance and benefit prior to issuance of Memo No- 1433 dated 15-10-2020 as contained in Anexure-P/2 to this writ Petition.*

*III. For issuance of a writ in the nature of Mandamus Commanding and directing the Respondents to expedite the Departmental proceeding and conclude the same expeditiously as possible as earliest because the Petitioner is going to be retired from his service on 30-11-*



2026.

*IV. To grant any other relief or reliefs for which the Petitioner is entitled from the facts and circumstances of the case.”*

3. Learned counsel for the State raised a preliminary objection and submits that the order of suspension has been challenged by virtue of this writ petition, which is appealable under Rule 23 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as ‘Bihar CCA Rules, 2005’).

4. Learned counsel for the petitioner submits that the circular of the Bihar Government namely, “बिहार सरकार, कार्मिक एवं प्रशासनिक सुधार वि० पत्र सं० 2/क्यू (वि०स०)-4010/2006 का. 2178, दिनांक 28.2.07 की प्रतिलिपि प्रेषक शगलु रजक, सरकार के संयुक्त सचिव सेवा में, सभी विभाग/सभी विभागाध्यक्ष/सभी प्रमण्डलीय आयुक्त/विभागीय जांच आयुक्त/सभी जिलाधिकारी” has been issued which clearly states that the proceeding should be concluded within one year. But the proceeding has not been concluded.

5. Upon perusal of the Rule 23 of the Bihar CCA Rules, 2005, it transpires that the appeal is maintainable against the order of suspension.

6. As such, the petitioner is hereby directed to avail



the remedy of appeal by filing the application before the Appellate Authority within 30 days and the Appellate Authority upon receiving the petitioner’s appeal, shall pass order on the said appeal within 60 days thereafter. The delay, if any, in filing the appeal is hereby directed to be condoned. It is made clear that at the time of passing of the order, the Appellate Authority shall also take into consideration the above mentioned circular of the Bihar Government .

7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

**(Dr. Anshuman, J)**

Divyansh/-

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