

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4378 of 2026

Sanjay Kumar S/o Late Deo Nandan Singh, Resident of Village- Munichak,
Post Office- Muzaffara, Police Station- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Special Secretary-cum-Director, Administration, Education Department, Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The Deputy Development Commissioner, East Champaran, Motihari.
6. The Director, Accounts, Administration and Self-employment, District Rural Development Authority, East Champaran.
7. The District Education Officer, East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Advocate

For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

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

*(i) For quashing/ setting aside the Memo
no. 03/Aa.1-84/2025i/333301 dated 10.12.2025
under the signature of Director, Administration,
Education Department, Bihar, by which the
petitioner was inflicted with a punishment of
withholding of one increment without cumulative
effect;*

*(ii) For quashing/ setting aside the Letter
no. 319180 dated 11.11.2025 issued under the
signature of the Director, Administration,*



Education Department, Bihar, by which the petitioner was asked to submit his opinion under Rule 18 (3) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 without differing with the enquiry report;

(iii) For quashing/ setting aside the enquiry report dated 13.10.2025 prepared in the departmental enquiry in view of the resolution contained in the memo number- 3/ Aa.1-84/2025-254 Patna dated 27.05.2025;

(iv) For quashing/ setting aside the resolution contained in the memo number 3/ Aa.1-84/2025 254 Patna dated 27.05.2025 issued in the name of Subodh Kumar Chaudhari, Special Secretary-cum-Director (Administration), Education Department, Bihar along with Aarop-Patra issued against the petitioner;

(v) For quashing/ setting aside the report contained in the Letter no. 683 dated 09.04.2025 submitted by the Director, Accounts, Administration and Self-employment, District Rural Development Authority, East Champaran to the Deputy Development Commissioner, East Champaran;

(vi) Any other order/ orders/ direction, which your Lordships may deem fit and proper.

3. Learned counsel for the State raised preliminary objection and submits that, after the order was passed by the original authority, the petitioner has directly moved before this



Court.

4. It transpires to this Court that under the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, (hereinafter referred to as “Bihar CCA Rules, 2005”) this order has been passed and under Rule 24 of the Bihar CCA Rules, 2005 there is provision of appeal challenging the order.

5. Rule 24(2) of the Bihar CCA Rules, 2005 categorically states as follows:-

“There shall be no appeal against the orders of the Government, however, review petitions may be filed in the form of Memorials.”

6. It transpires to this Court that, even if the appeal, according to the petitioner, is not maintainable, then a review is maintainable, and hence, the present writ petition stands disposed of, granting liberty to the petitioner to avail the remedy under Rule 24(2) of the Bihar CCA Rules, 2005 and thereafter approach this Court.

7. It is made clear that delay, if any, in availing the remedy under Rule 24(2) of the Bihar CCA Rules, 2005 is hereby directed to be condoned.

(Dr. Anshuman, J.)

Aman Kumar/-

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