

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5495 of 2024**

Raj Kumar Sah son of Late Sri Bishwanath Sah, Resident of Village- Piyaaur,  
P.S.- M.H. Nagar, District- Siwan, presently posted as Dy. S.P. BSAP-15,  
Bhim Nagar, Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar at Patna.
3. The Additional Chief Secretary, Home Police, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Additional Director General of Police, B.S.A.P., Bihar, Patna.
6. The Inspector General (I.G.) of Police, Purnea.
7. The Deputy Inspector General D.I.G.) of Police, Purnea.
8. The Deputy Inspector General (D.I.G.) of Police, Munger Range at Munger.
9. The Commandant, B.S.A.P.-15 Bagha, present Bhim Nagar, Supaul.
10. The Superintendent of Police, Purnea at Purnea.
11. The Deputy Superintendent of Police (Head Quarter), Purnea.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                           |
|----------------------|---|-----------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Dr. Uma Shankar Prasad, Sr. Advocate<br>Mr. Dilip Kumar Roy, Advocate<br>Mr. Lal Babukeshri, Advocate |
| For the State        | : | Mr. Government Pleader-13<br>Mr. Ravi Kumar (AC to GP-13)<br>Mr. Akshay Lal Prasad, (AC to GP-13)         |

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

**ORAL JUDGMENT**

**Date : 12-02-2026**

Heard learned Senior counsel Mr. Dr. Uma Shankar Prasad assisted by Mr. Dilip Kumar Roy, Advocate for the petitioner and learned counsel for the State.

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

*“I. For the issuance of an*



*appropriate Writ to quash the resolution issued from the Home Department, Govt. of Bihar (Police Branch) vide Memo No.4479 dated 6.5.2022 passing the punishment Order against the petitioner whereby the Order of Slander (Nindan) and two increment of salary for inaccumulative effect has been stopped. (Contained in Annexure-8).*

*II. For the issuance of an appropriate Order to quash the Order issued on 6.3.2024 vide Memo No.2726 whereby the appeal of the petitioner has been dismissed on the ground of limitation holding as time barred. (Contained in Annexure-9).*

*III. For issuance of an appropriate Writ/Order/Direction as your Lordships may deem fit and proper for the ends of Justice.”*

3. Learned Senior counsel for the petitioner submits that the petitioner joined service on the post of Dy. S.P. Home Police Department, Bagaha on 26.04.2005 and his service was regularized w.e.f. 01.07.2011. Senior counsel submits that the petitioner while posted as City Dy. S.P. at Gaya, served a notice dated 10.04.2019 vide Memo No. 1873 issued from the office of



Director General of Police, Bihar, Patna to the effect that while he was supervising K. Hat (Purnea) P.S. Case No. 333 of 2016, certain irregularities have been made and the explanation was demanded from the petitioner. Senior counsel submits that the petitioner submitted his explanation, but his explanation was not accepted and charge memo was served upon him *vide* Memo No. 5021 dated 22.07.2020. Senior counsel further submits that the charge memo further resulted into departmental enquiry in which the petitioner was found guilty. Senior counsel submits that after enquiry, the show cause was demanded and the petitioner has filed his reply, but, even then, the order of punishment has been imposed upon the petitioner *vide* Memo No. 4479 dated 06.05.2022 (Annexure-P/8). Senior counsel further submits that the petitioner thereafter, preferred a statutory appeal against the order of punishment dated 06.05.2022, but his appeal was rejected on 06.03.2024 contained in Memo No. 2726 (Annexure-P/9).

4. Upon perusal of Annexure-P/9, it transpires that the petitioner's appeal/review has been rejected solely on the ground that it was filed with a delay of 45 days and barred under Rule 25 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.



5. Pleadings have been completed. However, this Court restrains itself from passing any order on merit, due to the reason that passing order on the merit shall debar the petitioner to avail one forum. Hence, this Court without entering into the merit or demerit of the case, set aside the Annexure-P/9 i.e. order dated 06.03.2024 contained in Memo No. 2726, whereby the petitioner’s appeal/review has not been entertained solely on the ground of limitation.

6. As such, the Additional Chief Secretary, Home Police, Patna (Respondent no.3) is hereby directed to pass order on merit on the petitioner’s memo of appeal/review within 90 days from the date of production of a copy of this order. The delay if any is hereby directed to be condoned.

7. Accordingly, this writ application stands allowed with limited observation.

**(Dr. Anshuman, J)**

Divyansh/-

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| AFR/NAFR          |            |
| CAV DATE          | NA         |
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