

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7707 of 2025

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Ajay Shankar Sahay S/o Bimla Nand Prasad Resident of Patepur, Gopinath,
Dighra, PS- Pusa, District- Samastipur, Bihar-848115

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Department of Prohibition, Excise and Registration Department, Government of Bihar, Patna,
3. The Joint Secretary, Department of Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The District Magistrate, Vaishali, Hajipur.
5. The Joint Commissioner, Department of Prohibition, Excise and Registration Department, Government of Bihar, Patna.
6. The Secretary, to Excise, Department of Prohibition, Excise and Registration Department, Government of Bihar, Patna.
7. The Superintendent, Vaishali, Department of Prohibition, Excise and Registration Department, Government of Bihar, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Amit, Advocate
For the Respondent/s : Mr. Asit Kumar Jha, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

*“a.) To issue an appropriate writ
in the nature of certiorari for quashing the
order dated 20.07.2021 having Gyapank
2423 passed by Disciplinary authority*



whereby and where under Petitioner has been imposed penalty of deduction of two annual salary increment with cumulative effect and the order dated 18.02.2025 passed by appellate authority whereby vide letter no. 711 rejected the appeal application of the Petitioner on the ground of delay in filing the said application as the same being time barred.

b.) To issue an appropriate writ in the nature of mandamus commanding the Respondents to restore the three annual increment of salary with cumulative effect as the Petitioner is entitled for.

c.) Pass any other or further order as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. Learned counsel for the petitioner submits that the petitioner has challenged the order of punishment imposed upon him, contained in Memo No. 2423 dated 20.07.2021, and subsequently the order dated 18.02.2025 passed by the Deputy Secretary of the Government. Counsel further submits that, after the passing of the order by the Joint Secretary of the Government in the departmental proceeding, the petitioner preferred a revision, which was not considered on merits and was rejected only on the ground that it was time-barred.



4. Learned counsel for the State submits that the petitioner has chosen the wrong forum. Counsel further submits that, after the passing of the final order in the departmental proceeding, he ought to have filed a review petition under Rule 24(2) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Rules of 2005'), but instead thereof he preferred a revision, which is not maintainable and was also filed after three years. Therefore, it has been rejected on the ground of delay.

5. Upon perusal of the records, it transpires to this Court that it is true that the petitioner has not preferred the forum which is immediately available against the order in question under Rule 24(2) of the Rules of 2005, instead thereof, he has chosen the forum under Rule 28 of the Rules of 2005, i.e., the revisional forum, after a lapse of about three years.

6. This Court is of the view that, at least at two forums, the petitioner or any aggrieved or delinquent person ought to be heard on merits.

7. In the present case, the petitioner has chosen the forum of revision after three years under wrong advice, which has been rejected on the ground of delay, however, in the interest of justice, this Court hereby grants liberty to the



petitioner to avail the forum under Rule 24(2) of the Rules of 2005 afresh within 30 days from today.

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

9. It is also made clear that the letter No. 711 dated 18.02.2025, passed by the Deputy Secretary of the Government, rejecting the revision only on the ground of delay, is hereby set aside.

10. Accordingly, the present writ petition stands disposed of.

(Dr. Anshuman, J.)

Aman Kumar/-

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