

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7466 of 2025

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Himanshu Shekhar Jha Son of Srikant Jha, Resident of Village- Shadipur
(Bekapur) P.S- Basudeopur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Deputy Inspector General of Police, Purnea Range, Purnea.
3. The Superintendent of Police, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate Mr. Abhishek Teerthankar, Advocate Mr. Utkarsh Ranjan, Advocate
For the State	:	Mr. Anil Kr. Verma (AC to AAG-9)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 31-03-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
quashing of the Katihar District Order No. 689/2019 contained
in Memo No. 1768 dated 30.04.2019 (Annexure-P/3) issued by
the Superintendent of Police, Katihar, by which the punishment
of censure has been inflicted upon the petitioner. Further
directing to forfeit the salary for the period of suspension of 116
days. Further for quashing of the appellate order bearing Purnea
Range Order No. 185/2019 contained in Memo No. 1741 dated



02.12.2019 (Annexure-P/5), by which the appeal of the petitioner has been rejected.

3. Learned counsel for the petitioner submits that at that relevant period of time, the petitioner was posted as Assistant Sub-Inspector, Kodha Police Station, District-Katihar. Counsel submits that a Memo No.819 dated 25.08.2017 was issued by the Superintendent of Police, Katihar *vide* District Order No. 1079/2017, asking explanation from the petitioner. Subsequently, a memo of charge has been framed by the Superintendent of Police, Katihar and also a Conducting Officer was appointed and same has been served upon the petitioner *vide* Memo No. 3019 dated 22.09.2017. Counsel further submits that the Enquiry Officer/Conducting Officer after the departmental proceeding found that no alleged charges have been proved against the petitioner and the Enquiry Officer submitted his enquiry report before the Superintendent of Police, Katihar. He submits that the Enquiry Officer has exonerated the petitioner from all the charges levelled against him. But, the Superintendent of Police, Katihar without assigning any reasons of disagreement and without considering the enquiry report, passed final order *vide* Katihar District Order No. 689/2019 contained in Memo No. 1768 dated 30.04.2019



(Annexure-P/3). Counsel submits that the petitioner has challenged the said order before the Appellate Authority, but the Appellate Authority also rejected the appeal of the petitioner *vide* Purnea Range Order No. 185/2019 contained in Memo No. 1741 dated 02.12.2019 (Annexure-P/5).

4. Learned counsel for the petitioner further submits that the Disciplinary Authority as well as the Appellate Authority passed order in gross violation of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005'). Counsel submits that though, punishment order is minor in nature, but the authority decided to conduct the proceeding in presence of Enquiry Authority and when the Enquiry Officer has submitted his report by exonerating the petitioner from all the charges, then the Disciplinary Authority ought to disagree and issue disagreement memo, then to put show cause and then only pass final order. But, such procedural lapse has been made and the punishment order has been passed in gross violation of principles of natural justice. In the appeal also, this aspect has not been considered at all and the petitioner's appeal was rejected. Counsel, therefore, submits that both the orders i.e. orders passed by the Disciplinary Authority as well as by the



Appellate Authority are bad in law and both orders be set aside.

5. Learned counsel for the State, on the other hand, submits that the punishment order is minor and there is no need even for conduction of disciplinary enquiry for passing a minor punishment. Counsel submits further that the petitioner has filed show cause after demanding explanation and then the Disciplinary Authority is competent to pass order only by virtue of his explanation. Therefore, he submits that the orders passed by the Disciplinary Authority as well as by the Appellate Authority are completely in accordance with law and there is no need of any interference in this matter.

6. After hearing the parties, it is admitted that the petitioner was A.S.I, the Disciplinary Authority is the Superintendent of Police, Katihar and the punishment order is minor in nature. It is also not in dispute that the procedure for imposing minor penalties is laid down under Rule 19 of the Bihar CCA Rules, 2005. But, here in the present case, *vide* Annexure-P/1, explanation was demanded by the Superintendent of Police. But subsequently, *vide* Annexure-P/2, Enquiry Officer has been appointed and once the Enquiry Officer has been appointed, it means that the Disciplinary Authority is entrusted to conduct the proceeding in accordance



with rule laid down under Rule 17 of the Bihar CCA Rules, 2005. The law is very much clear according to provision of Rule 19 of the Bihar CCA Rules, 2005 that once, the Disciplinary Authority decides that order of punishment has to be passed following the conduction of disciplinary proceeding by appointing Enquiry Officer, then it has to be followed in its true spirit and sense.

7. It is admitted position in the present case that the Enquiry Officer exonerated the petitioner from all the charges levelled against him and according to Rule 18(2) and 18(3) of the Bihar CCA Rules, 2005, once the Disciplinary Authority become disagree on the reasons assigned by the Enquiry Officer, he has to assign reasons for disagreement and has to serve copy of the same upon the delinquent demanding show cause, which are absolutely lacking in the present case. It is relevant to quote the Rule 18(2) and 18(3) of the Bihar CCA Rules, 2005, which reads as under:-

“18.2 The disciplinary authority, after receipt of the enquiry report as per Rule 17 (23)(ii) or as per sub-rule (1), shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own finding on such charge, if the



evidences on record is sufficient for the purpose.

18.3 The disciplinary authority shall forward or cause to be forwarded a copy of the inquiry report, together with its own findings, if any, as provided in sub-rule (2), to the government servant who may submit, if he or she so desires, his or her written representation or submission to the disciplinary authority within fifteen days.”

8. Upon perusal of the law mentioned above, it become very much clear that the reasons should be assigned by the Disciplinary Authority as to why he disagreed from the report of the Enquiry Officer. Here in the present case, there is absolute lacking of the same. Pleading has been made in the writ petition, but there is no specific answer of the State on this point about violation of Rule 18(2) and 18(3) of the Bihar CCA Rules, 2005. It also transpires to this Court that this failure of law has also not been discussed by the Appellate Authority.

9. In this view of the matter, this Court finds that the original order as well as the appellate order both are defective and passed in gross violation of Rule 18(2) and 18(3) of the Bihar CCA Rules, 2005.

10. Hence, the order passed by the Disciplinary



Authority *vide* Katihar District Order No. 689/2019 contained in Memo No. 1768 dated 30.04.2019 (Annexure-P/3) as well as the order passed by the Appellate Authority *vide* Purnea Range Order No. 185/2019 contained in Memo No. 1741 dated 02.12.2019 (Annexure-P/5), both are hereby set aside.

11. Liberty is granted to the Disciplinary Authority to pass order afresh, commencing from the stage of the second show cause notice. However, all decisions shall be taken within three months from the date of production of this order.

12. Accordingly, with the aforesaid observations, the present writ petition stands allowed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	02/04/2026
Transmission Date	NA

