

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7914 of 2025

Shishir Kumar Mishra Son of Sashi Kishore Mishra, Resident of 36a, Sharda Sadan, Gandhi Nagar, Boring Road, Budda Colony, Patna P.S. Sri Krishna Puri, PO- GPO and District Patna, Bihar Pin Code- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, New Secretariat, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, New Secretariat, Govt. of Bihar, Patna.
3. The Under Secretary to the Government, General Administration Department, New Secretariat, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Saharsa.
5. The District Magistrate, Madhepura.
6. The Deputy Development Commissioner, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate Ms. Manini Jaiswal, Advocate Mr. Manas Rajdeep, Advocate Ms. Adya Pandey, Advocate Ms. Megha Rani, Advocate
For the Respondent/s	:	Ms. Vagisha Pragya Vacaknavi, AC to SC-9 Ms. Sushmita Sharma, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 02-02-2026 The instant writ petition has been filed by the petitioner, who is a Additional Collector of Madhepura district for the following reliefs:-

“(i) For issuance of an appropriate writ in the nature of certiorari quashing the Notification contained in Memo No.- 7290 dated 24.04.2025 issued under the signature of the Under Secretary to the Government whereby and where under the Govt. has decided to initiate a



departmental proceeding against the Petitioner to terms of Rule 17 of the Civil Service (Classification, Control and Appeal) Rule, 2005 herein after refer to as Rule 2005.

(ii) For quashing the resolution contained in Memo No.-956 dated 16.01.2025 issued under the signature of Under Secretary to the Government of the Respondent General, Administration Department whereby and where under the Petitioner has put under suspension in terms of Rule 9 (1) (k) of the Rule 2005.

(iii) For quashing the three man committee inquiry report dated 04.12.2024 communicated vide Letter No. 592/khel (sports) issued under signature of Deputy Development Commissioner, Madhepura who have submitted the report in most mechanical manner.

(iv) Pending hearing of the writ petition stay the operation of the Notification contained in Memo No.- 7290 dated 24.04.2025 issued under the signature of the Under Secretary to the Government initiate a whereby and where under the Govt. has decided to departmental proceeding against the Petitioner to terms of Rule 17 of the Civil Service (Classification. Control and Appeal) Rule, 2005 herein after refer to as Rule 2005 and order of suspension vide Memo No.- 956 dated 16.01.2025.

(v) Any other order or orders as your Lordships may deem fit and proper in the facts



and circumstances of the case be granted to the petitioner.”

2. I have heard the learned Advocates for the writ-petitioner and the State-Respondents.

3. I have also perused the factual aspect stated in the writ petition and partly contradicted in the counter affidavit.

4. It is contended on behalf of the writ-petitioner that upon an allegation based on a viral video, the petitioner was suspended on 16.01.2025, till date he is under order of suspension. The said viral video is the basis of a departmental proceeding against him. It is held by a Three Men Committee that proposed the order of suspension and initiation of departmental proceeding that the videography in question allegedly establishes an allegation that the petitioner while playing Badminton assaulted another player.

5. The learned Advocate on behalf of the petitioner further submits that the person, who was assaulted and injured did not lodge any complaint either before the higher Authority of the petitioner or to the police station. The Three Men Committee also did not examine him. Therefore, the order of initiation of disciplinary proceeding is bad in law.

6. The learned Advocate on behalf of the State-Respondents, on the other hand, submits that a departmental



proceeding at the initial stage may only be challenged, when it is initiated not by the Competent Authority but by some other persons who is not authorized under Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 or that memorandum of charge suffers from inherent defect. On the face of it or that even no evidence is proposed in the memorandum of charge in support of the charge. When the departmental proceeding was initiated by a Competent Authority, the objection that it was initiated on the basis of lack of evidence is a ground to be considered after the departmental proceeding only.

7. I am in agreement with the learned Advocate on behalf of the State-Respondents with regard to her averment on continuation of departmental proceeding.

8. However, I am also in agreement with the learned Advocate for the petitioner so far as her submission that the order of suspension is wrongly been continued, even after three months of passing of such order.

9. In view of such finding, the respondents are directed to withdraw the order of suspension with immediate effect against the writ-petitioner and permit him to pursue his regular work, he will also be paid his regular salary and other



benefits.

10. However, the departmental proceeding was continued with liberty to the petitioner to agitate any finding of the department proceeding after extortion of the provisions of appeal before this Court, if such occasion arises in future.

11. The respondents are further directed to conclude the department proceeding preferably within six months from the date of communicated of this order.

12. With the above order, the instant writ petition is disposed of on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

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