

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9345 of 2024

Phulendra Prasad Roy Son of Late Radha Roy, Resident of Poonam Mansion,
Cant Road, Mustafa, P.S.-Khagaul, District-Patna Pin Code 801105.

.. ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Work Department, Government of Bihar, Patna.
2. The Special Secretary, Rural Work Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Work Department, Government of Bihar, Patna.
4. Chief Engineer-4 Cum Conducting Officer, Rural Work Department, Government of Bihar, Patna.
5. Special Work Officer, Rural Work Department, Government of Bihar, Patna.
6. Superintending Engineer, Rural Work Department, work Circle Nalanda..

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad, Adv.
For the Respondent/s	:	Mrs. Archana Meenakshee, GP6
		Mr. Rana Veer Prawar, AC to GP6

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-02-2026 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 with the following reliefs:-

*“That this application is being filed for
issuance of appropriate writ, order or orders, direction
quashing the order dated 09.08.2021 passed by Special
Secretary, Rural Works Department, Bihar, Patna
respondent no.2 issued under memo No. 1033 dated
09.08.2021 whereby and where under appeal application
dated 15.02.2021 filed by the petitioner has been rejected
only on the ground of limitation in delay filing of appeal
application. And also quashing the order dated 15.01.2020
passed by Praween Kumar Thakur Engineer-in-Chief,
Rural Work Department, respondent no.3 issued under
memo no. 336, dated 16.01.2020, whereby, punishment of*



reduction in time Scale pay to three stages lower till retirement and not giving increment during this period has been imposed as a major penalty classified under Rule-14(vii) of the Government Servants (Classification, Control and Appeal) (Amendment) Rule 2007, although in the enquiry report submitted by conducting officer, it has been said that no any Charge has been proved against the petitioner.”

3. Counsel for the petitioner further submits that the petitioner was a Junior Engineer in Rural Works Department, Government of Bihar and the Department had started inspection for his work. After five years of inspection, Prapatra- Ka has been issued against him and upon receiving charge-sheet, the petitioner had submitted his reply and appeared before the Conducting Officer, who vide report dated 25.06.2018 & 27.06.2018, the petitioner has been exonerated from all the charges levelled against him. Thereafter, the matter was referred before the Disciplinary Authority, who upon differing from the report, issued show-cause against him.

4. Counsel further submits that the said show-cause has been issued in gross violation of Rules 18(2) and 18(3) of the Bihar CCA Rules, 2005. He further submits that the reply to the second show-cause has been filed upon receiving the same and final order of punishment has been imposed vide Memo No.336 dated 16.01.2020.



5. Counsel further submits that he became very much surprised to see the final order that the then Conducting Officer, Mr. Praween Kumar Thakur, being an Executive Engineer had conducted the enquiry and subsequently, the same Praween Kumar Thakur, being the Engineer-in-Chief, had passed the final order against the petitioner. He further submits that the said discrepancies, he has challenged before the Appellate Authority, but the Appellate Authority had rejected the appeal on the ground that it has been filed beyond 45 days of limit.

6. Counsel for the State raised preliminary objection and submits that there is neither violation of natural justice nor violation of any provision of law under the Bihar CCA Rules, 2005 nor punishment is exonerated. Therefore, there is no need of any interference in the said orders.

7. Upon hearing the parties, it transpires to this Court that the said Praween Kumar Thakur had conducted an enquiry against the present petitioner and submitted a report and subsequently, he has again tested the said report being the Disciplinary Authority by virtue of his promotion. As such, it is a case of bias in the opinion of the Court. A person cannot be a judge in his own cause. Here in the present case, this is apparent from the record, particularly, Annexure-6 and Annexure-10 of



the writ petition. It is due to this reason mentioned above, the present proceeding is bad in law and the order passed by the Original Authority *i.e.*, Memo No.336 dated 16.01.2010 passed by Engineer-in-chief, Rural Work Department (annexure-10) is hereby set aside and when annexure-10 is set aside then the Appellate order *i.e.*, vide memo No.1022 dated 09.08.2021 passed by Special Secretary, Rural Works Department, Bihar, shall also be set aside due to two reasons. Firstly, the original order is not sustainable and the appellate order has not been decided on merit. Therefore, it is hereby directed that both the orders be set aside and hence, the present writ petition is hereby allowed.

8. However, liberty is hereby granted to the State to proceed from the stage of second show-cause afresh, but everything should be completed within three months from the date of production of this order.

9. With the aforesaid directions and observations, the present writ application stands disposed of.

(Dr. Anshuman, J)

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