

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9621 of 2024

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Randhir Kumar Singh Son of- Late Dharendra Kumar Singh, Resident of
Village and P.O.- Poiwan, P.S.- Muffasil Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary General
Administration, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Aurangabad.
4. The Senior Deputy Collector-cum-Deputy Collector, District Nazarat,
Aurangabad.
5. The Deputy Development Commissioner, Aurangabad.
6. The Addl. Collector, Aurangabad.
7. The Sub-Divisional Officer, Aurangabad.
8. The Block Development Officer, Aurangabad.
9. The Circle Officer Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate
For the Respondent/s : Mr. Government Pleader (6)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 24-02-2026

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

2. The present writ petition has been filed by the
petitioner for quashing order No.120/2022-23 issued vide Memo
No.06 dated 03.01.2023 by the District Magistrate, Aurangabad,
by which it has been directed to stop two increment with
cumulative effect as well as for quashing the order dated



05.10.2023 passed in Service Appeal No.32/2023 by the learned Court of Commissioner, Magadh Division, Gaya, by which the learned Court of Commissioner was pleased to confirm the above said order dated 03.01.2023 after quashing the above said orders dated 03.01.2023 and 05.10.2023, the respondents be directed to pay the salary to the petitioner after granting above said two increment, which was stopped with cumulative effect and to grant any other relief(s) for which petitioner may found entitled in accordance with law.

3. Learned Counsel for the petitioner submits that the petitioner was working as Clerk in Aurangabad Block, against whom complaint was made for collection of gratification in collusion with Block Development Officer, Aurangabad. Counsel submits that in this regard a Senior Deputy Collector (respondent No.4), who has personal grudge with the petitioner, sent a letter bearing No.280 dated 19.07.2022 to the District Magistrate, Aurangabad, and by virtue of this letter the petitioner was suspended and subsequently a decision was taken by the District Magistrate to initiate a departmental proceeding against him in this regard letter No.568 dated 03.08.2022 has been sent. Counsel submits that in the said letter of District Magistrate, the Block Development Officer was directed to



issue Praptra 'Ka'. Accordingly, the said Prapatra 'Ka' contained in letter No.1194 dated 07.09.2022 has been issued. He further submits that subsequently the District Magistrate, Aurangabad has appointed the Deputy Collector as Conducting Officer in this matter and subsequently Circle Officer, Aurangabad has been appointed as presenting officer. He further submits that petitioner has submitted his explanation refuting all the charges, but the office of the District Magistrate has directed the petitioner to appear before the conducting officer. The petitioner appeared before the conducting officer and denied all the charges levelled against him. He further submits that the Circle Officer has also filed a letter No.3479 dated 03.11.2022 to the Conducting Officer intimating that there is no evidence against this petitioner regarding illegal collection. Counsel submits that but without consideration of the above letter submitted by the Circle Officer, the District Magistrate has passed the order of minor punishment imposing two increments with non-cumulative effect. Learned Counsel submits that there was no evidence and rule laid down under Section 17 of the the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as the 'CCA Rules, 2005') has not been followed at all. In this view of the matter, he



submits that the entire proceeding is bad-in-law.

4. Learned Counsel for the State, on the other hand, submits that minor punishment has been imposed and minor punishment has not been guided under Rule 17 of the CCA Rules, 2005; rather it has been guided under Rule 19 of the CCA Rules, 2005. He further submits that the petitioner has not taken any point and the point taken by him is not sustainable in the eye of law as there is no violation of principles of natural justice as due opportunity has been granted to him at the time of passing the order. Learned Counsel for the State submits that the Enquiry Officer has conducted the enquiry, a copy of the same has been annexed as Annexure-R/1. He submits that the enquiry report is against the petitioner and on the basis of enquiry report the District Magistrate-cum-Disciplinary Authority has passed order and there is no need of any interference.

5. After hearing the parties, this Court is very much surprised to see two letters, the first letter is letter No.280 dated 19.07.2022 that is the first letter by which complaint has been made against the petitioner and it is due to this letter the entire action has been taken against the petitioner. This letter has been issued by the Senior Deputy Collector, Aurangabad, and the enquiry has been conducted by the same Conducting



Officer-cum- Senior Deputy Collector, Aurangabad. It transpires to this Court that the person on whose complaint the entire Disciplinary Proceeding has been initiated has been appointed conducting officer in this case. Therefore, it transpires that this Departmental proceeding is full of bias and it is due to this reason the order No.120/2022-23 issued vide Memo No.06 dated 03.01.2023 passed by District Magistrate, Aurangabad and order dated 05.10.2023 passed in the Service Appeal No.32/2023 by the learned Court of Commissioner, Magadh Division, Gaya, are quashed.

6. Liberty is hereby granted to the District Magistrate, Aurangabad, to initiate the proceeding afresh and it must be concluded within 90 days completely in accordance with Rule 19 of the CCA Rules, 2005.

7. Accordingly, this writ petition is allowed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2026
Transmission Date	

