

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13519 of 2025

Manish Kumar Son of Sri Prakash Chandra Mandal, Resident of Subhash
Nagar, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Under Secretary, General Administration Department, Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation (BSFCSC), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate Mr. Abhishek Teerthankar, Advocate Mr. Utkarsh Ranjan, Advocate
For the Respondent/s	:	Mr. Mahtab Alam, AC to SC-20
For the BSFCSC	:	Mr. Nirmal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
CAV JUDGMENT
Date : 14-05-2026

Heard learned Counsel for the petitioner,
learned Counsel for the State and learned Counsel
for the Bihar State Food and Civil Supplies
Corporation.

2. The present writ petition has been filed
for issuance of an appropriate writ in the nature of
certiorari for quashing the Resolution contained in
Memo No. 10383 dated 06.06.2025, issued under
the signature of the Under Secretary to the



Government, General Administration Department, Bihar, Patna, whereby and whereunder the petitioner has been inflicted with the punishment of censure (pertaining to the allegation year 2013-14) along with stoppage of one annual increment of salary with non-cumulative effect. The petitioner further prays for quashing of the Resolution contained in Memo No. 12577 dated 09.07.2025, issued under the signature of the Under Secretary to the Government, General Administration Department, Bihar, Patna, whereby and whereunder the review petition preferred by the petitioner has been rejected. The petitioner also seeks a direction upon the respondent authorities to grant all consequential benefits to the petitioner with effect from the due date, including promotion, to which the petitioner is legally entitled. The petitioner further prays for issuance of any other appropriate writ(s), order(s), or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the petitioner



submits that during the year 2012-13, the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as "BSFC") faced serious challenges in procurement of paddy, as the State Government abruptly increased the procurement target nearly tenfold without corresponding enhancement in manpower or infrastructure. This resulted in a chaotic situation, compelling the State Government to assign Deputy Collectors as In-charge District Managers of the State Food Corporation. It is submitted that such officers were neither provided adequate training in paddy procurement and milling processes nor were proper guidelines framed; rather defective and impractical guidelines were issued. At the relevant time, the petitioner was posted as Senior Deputy Collector at Kishanganj and was holding charge of multiple sections. In absence of a regular District Manager, the petitioner was assigned the additional charge of In-charge District Manager, BSFC, Kishanganj, vide Memo No. 112 dated 21.02.2014, issued by the District Magistrate,



Kishanganj. During the discharge of his duties, the petitioner executed agreements for milling of paddy with two rice millers, namely (i) Maa Sherawali Rice Mill and (ii) Motihari Taluka PACS Rice Mill, strictly in accordance with the guidelines issued by BSFC.

4. Learned Counsel for the petitioner further submits that after an inordinate delay of about eight years from the alleged incident, while the petitioner was posted as Sub-Divisional Magistrate, Supaul, a show-cause notice, bearing Letter No. 9587 dated 15.06.2022, was issued by the Under Secretary, General Administration Department, Bihar, enclosing a memo of charge and calling upon the petitioner to submit his explanation. In response thereof, the petitioner requested certain relevant documents; however, instead of supplying the same, the department issued reminders. Thereafter, the petitioner submitted a detailed explanation vide Office Letter No. 671 dated 03.09.2022, along with supporting documents, effectively rebutting all allegations.



5. Counsel further submits that for the Kharif Marketing Season 2013-14, specific guidelines were issued, including a prescribed proforma for agreement and deed of pledge, mandating that agreements be executed on non-judicial stamp paper of ₹1,000/-. The petitioner strictly adhered to these guidelines. It is contended that without proper consideration of the petitioner's defence, and in violation of Rules 17(3), 17(4), and 17(5) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as "CCA Rules, 2005"), the disciplinary authority proceeded to initiate departmental proceedings and appointed an Inquiry Officer. The petitioner submitted his preliminary written statement of defence before the Inquiry Officer, placing all relevant facts and supporting evidence on record. Upon conclusion of the inquiry, the Inquiry Officer exonerated the petitioner of all charges and submitted a report to that effect. However, the General Administration Department directed the Inquiry Officer to conduct



a further inquiry on a new allegation, namely, that the petitioner ought to have ensured receipt of rice corresponding to the first lot of paddy before issuing the second lot. This allegation was neither part of the original charge memo nor sustainable, especially as the petitioner had already been transferred at the relevant time. Such direction effectively amounted to a *de novo* inquiry, which is impermissible in law. Nevertheless, the Inquiry Officer submitted a supplementary report, wherein the said additional allegation was also found to be unsubstantiated.

6. Learned Counsel for the petitioner further submits that the petitioner, in his further explanation, categorically stated that there was no requirement under the applicable guidelines for execution of a registered agreement. No evidence to the contrary was produced by the Presenting Officer. The petitioner also relied upon guidelines contained in Letter No. 435 dated 13.01.2014, which clearly stipulated execution of agreements on ₹1,000/- non-judicial stamp paper. The



petitioner further brought on record instances of similarly situated officers, against whom identical charges were levelled, but who were subsequently exonerated. Despite this, without considering the petitioner's defence and without assigning any reason for differing from the findings of the Inquiry Officer, the disciplinary authority imposed the punishment of censure and stoppage of one annual increment (non-cumulative). The petitioner thereafter preferred a review petition, raising all the aforesaid grounds, which too was rejected mechanically. Learned counsel further submits that even in the supplementary inquiry, the alleged non-compliance of guidelines was not proved. The Inquiry Officer specifically recorded that during his brief tenure, the petitioner executed only one agreement on 05.06.2014 with Motihari Taluka PACS and handed over charge on 07.06.2014, thereby establishing that he did not allocate any paddy to the concerned millers. It is further submitted that the Inquiry Officer found that the petitioner had acted strictly in accordance with the



guidelines issued by the BSFC headquarters for the year 2013-14. During the proceedings, it also emerged that certificate proceedings had been initiated against the millers; one miller has deposited the entire due amount, while the other has deposited a substantial portion. Importantly, neither the Certificate Officer nor the millers ever questioned the validity of the agreements or pledge deeds. Copies of the agreements and pledge deeds had been forwarded to the BSFC headquarters immediately after execution, and no objection was raised for nearly eight years.

7. Learned Counsel relies upon the judgment in **Roop Singh Negi vs. Punjab National Bank** reported in **(2009) 2 SCC 570**, wherein it has been held that non-consideration of the written statement of defence vitiates the departmental proceedings as being in violation of statutory rules.

8. Reliance has also been placed on **Vijay Shankar Pandey vs. Union of India** reported in **(2014) 10 SCC 589**, wherein the Hon'ble



Supreme Court held that findings cannot be based on allegations not forming part of the charge memo.

9. Further reliance has been placed on ***Oryx Fisheries Pvt. Ltd. vs. Union of India*** reported in **(2010) 13 SCC 427** and ***Union of India vs. P. Gunasekaran*** reported in **(2015) 2 SCC 610**, wherein it has been held that absence of evidence and procedural irregularities vitiate disciplinary proceedings, and remand cannot be used to cure fundamental defects in the inquiry.

10. In light of the aforesaid facts and settled legal principles, Counsel for the petitioner submits that the present case is one of “no evidence,” and the impugned punishment order as well as the order rejecting the review petition are wholly arbitrary, contrary to the provisions of the CCA Rules, 2005, and passed in complete disregard of the evidence on record. Accordingly, both orders are liable to be set aside.

11. Learned Counsel for the respondent Nos.2 and 3, on the other hand, submits that the



petitioner is the member of Bihar Administrative Service and when he was posted in the capacity of District Manager, State Food Corporation at Kishanganj, the Administrative Department of the petitioner, i.e., Food and Consumer Protection Department, vide its letter No.5008 dated 24.11.2021 and letter No.1661 dated 06.04.2022, made available memo of charge against the petitioner. Counsel submits that in the memo of charge, it has been reported that in the procurement year 2013-14, the petitioner being the Additional District Manager, Kishanganj, for milling paddy for C.M.R., a deed of pledge has to be taken as security from the concerned Millers as title deeds of self-acquired/inherited landed property and the ownership paper of Mills in his possession which has to be pledged by him as security. But the petitioner utterly failed to take the aforesaid deed of pledge which caused loss amounting to Rs.52,75,722.78 (Fifty two lacks seventy five thousand seven hundred twenty two and paise seventy eight). Counsel further submits



that the said allegation have been reported against the petitioner by his administrative department.

12. Learned Counsel further submits that on the basis of allegations reported against the petitioner by the Food and Consumer Protection Department, Government of Bihar, Patna, respondent No.3 also reframed memo of charge against the petitioner under Rule 17(3) of the CCA Rules, 2005 and after the proposal of Disciplinary Authority, the General Administration Department vide its letter No.9587 dated 15.06.2022, directed the petitioner to submit written statement in his defence under Rule 17(4) of the CCA Rules, 2005. Counsel submits that in response thereof, the petitioner submitted his written statement in his defence vide its letter No.671 dated 03.09.2022. On receipt of the written statement of the petitioner, respondent No.3 made available the copy of the same to the Food and Consumer Protection Department, Government of Bihar, Patna, for their comments on the explanation. Counsel submits that in turn of the aforesaid letter,



the Food and Consumer Protection Department vide its letter No.350 dated 25.01.2023, made available the comments on the explanation of the petitioner on which the General Administration Department of the petitioner did not find the explanation of the petitioner as acceptable. Counsel submits that when the Administrative Department did not find the explanation of the petitioner as satisfactory, then the department vide its resolution (Memo No.4176 dated 01.03.2023) launched a disciplinary proceeding against the petitioner.

13. Counsel submits that, in response thereto, the petitioner submitted his explanation/written statement vide Letter No. 671 dated 03.09.2022. Upon consideration of the same, the Department, vide Letter No. 350 dated 25.01.2023, communicated its comments, holding that the explanation furnished by the petitioner was not satisfactory. Consequently, the Department, vide Resolution (Memo No. 4176 dated 01.03.2023), initiated a disciplinary



proceeding against the petitioner under Rules 17(2) and 17(5) of the CCA Rules, 2005, for determination of the veracity of the charges.

14. Learned counsel for the respondents further submits that, upon completion of the enquiry, the Conducting Officer, vide Letter No. 172 dated 25.07.2024, furnished the enquiry report to the petitioner. He submits that, upon perusal of the said report, it was found that the Conducting Officer had not held the allegations against the petitioner to be proved. Thereafter, the Disciplinary Authority re-examined the entire matter and, while reviewing the enquiry report, found that several material aspects, which were required to be examined, had not been duly considered by the Conducting Officer. Accordingly, in exercise of powers under Rule 18 of the CCA Rules, 2005, the Department, vide Letter No. 17913 dated 06.11.2024, requested the Secretary-cum-Departmental Enquiry Commissioner, Education Department, Bihar, Patna, to further examine the allegations levelled against the



petitioner and to submit a report. Pursuant thereto, the Departmental Enquiry Commissioner, vide Letter No. 50 dated 18.02.2025, submitted a supplementary enquiry report to the Department.

15. Counsel further submits that the explanation furnished by the petitioner, along with the enquiry report and the supplementary enquiry report, was duly considered. The Disciplinary Authority, however, disagreed with the findings of the Conducting Officer, and such disagreement was recorded separately. Thereafter, vide Letter No. 4438 dated 11.03.2025, the petitioner was called upon to submit his written representation on the points of disagreement. The petitioner accordingly submitted his representation in defence.

16. The learned counsel appearing on behalf of Respondent No. 4, namely the Bihar State Food and Civil Supplies Corporation (BSFCSC), Patna, submits that the petitioner was posted as Senior Deputy Collector at Kishanganj and was in charge of various sections. It is further submitted



that, by order of the District Magistrate vide Memo No. 112 dated 21.02.2024, the petitioner accepted the additional charge of Incharge District Manager in the State Food Corporation, Kishanganj. Counsel contends that after assuming charge as Additional District Manager, the petitioner executed agreements for milling of paddy with two rice mills, namely, Man Sherawali Rice Mill and Motipur Jaluka PACS Rice Mill. It is further submitted that while the petitioner was posted as Sub-Divisional Magistrate, Supaul, a second show-cause notice dated 15.06.2022 was issued by the Under Secretary, General Administration Department, Government of Bihar, Patna, along with a copy of charges, which was duly served upon him, directing him to submit his reply. Counsel submits that all relevant documents pertaining to the departmental proceeding were furnished to the petitioner in a timely manner, which he acknowledged, and thereafter he submitted his reply vide Letter No. 671 dated 03.09.2022 (Annexure-2). Upon consideration of the memo of charges and the



reply, the respondents decided to appoint an Enquiry Officer in connection with the Kharif Marketing Season 2013-14.

17. It is contended that the petitioner has incorrectly stated that he executed agreements of pledge with the aforesaid millers in accordance with the guidelines issued under Letter No. 435 dated 13.01.2014 by the Special Work Officer (Procurement), Headquarters, Patna. Although formats of the deed of pledge and agreement were supplied to him, the petitioner failed to obtain original title documents such as khatian, nor was any land valuation conducted through the Circle Officer.

18. Counsel further submits that the departmental proceeding was initiated under the CCA Rules, 2005 and was conducted in accordance with the prescribed procedure. Upon conclusion, the Enquiry Officer submitted a report to the General Administration Department (GAD), Government of Bihar. However, vide letter dated 06.11.2024 (Annexure-P/5), the GAD remitted the



matter back to the Enquiry Officer observing that the enquiry had not adequately addressed the charges, and directed further enquiry under Rule 18(1) of the CCA Rules, 2005. Subsequently, the Enquiry Officer submitted a supplementary enquiry report dated 11.03.2025 (Annexure-P/6 series). Based on the same, the Departmental Enquiry Commissioner passed a reasoned and speaking order in accordance with the CCA Rules, 2005. The petitioner was issued a notice of disagreement, to which he responded vide Letter No. 837 dated 04.04.2025 by submitting his show-cause. Thereafter, by order dated 06.06.2025, the competent authority imposed the punishment of censure for the year 2013-14 along with stoppage of one increment with non-cumulative effect. It is finally submitted that due to the petitioner's negligence, the Corporation suffered a financial loss amounting to Rs. 52,75,722.18. The petitioner subsequently filed a review application, which was rejected on the ground that it was not a fit case for review.



19. After considering the arguments advanced and upon perusal of the materials available on record, this Court finds that the Inquiry Officer, vide inquiry report dated 28.07.2024, exonerated the petitioner. Subsequently, when the matter was referred for further inquiry on certain additional points, the petitioner was again exonerated in the supplementary inquiry report. Thereafter, a note of disagreement was issued to the petitioner vide Letter No. 4438 dated 11.03.2025, directing him to submit a second show-cause reply. The CCA Rules, 2005, specifically prescribe the manner in which a disagreement note is to be prepared under Rule 18(3) and 18(4), which reads as follows:

“18. Action on the inquiry report.-

(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.

(4) The disciplinary authority shall consider the representation or submission, if any, submitted by the Government Servant before proceeding further in the manner specified in sub rules (5) and (6)."

From a plain reading of the aforesaid provisions, it is evident that the Disciplinary Authority is under an obligation to assign reasons for disagreeing with the findings recorded by the Inquiry Officer.

20. In the present case, although the disagreement note refers to alleged violations of Letter Nos. 11067 dated 12.12.2013, 435 dated 13.01.2014, 7714 dated 06.12.2013, and 1162 dated 26.12.2013, it transpires that all those documents had already been duly considered by the Inquiry Officer, as reflected in paragraph 9 of the inquiry report. However, the Disciplinary



Authority has failed to assign any specific or cogent reason as to why it disagrees with the findings of the Inquiry Officer. This Court has also examined the deed of agreement and deed of pledge referred to in Letter No. 435 dated 13.01.2014 (Annexure-3 to the writ petition) and finds that the conclusions drawn by the Inquiry Officer are in accordance with law. In the absence of any specific indication of violation in the disagreement note, this Court holds that the disagreement memo dated 11.03.2025 is legally unsustainable and suffers from material defects as well as in gross violation of Rule 18 of the CCA Rules, 2005.

21. Further, upon perusal of the order of punishment contained in Memo No. 10383 dated 06.06.2025, it is evident that the reply submitted by the petitioner to the second show-cause notice has not been duly considered. A mere statement that the reply has been “analysed” by a quasi-judicial authority, without any discussion or reasoning, does not satisfy the requirement of law.



Accordingly, the said order of punishment is held to be bad in law and liable to be set aside.

22. Since the disagreement memo itself is vitiated in law, and the order of punishment is based upon such defective disagreement, the consequential order passed by the Reviewing Authority also cannot be sustained, as it is based on proceedings conducted in violation of Rule 18(4) of the CCA Rules, 2005. Accordingly, both the review order contained in Memo No. 12577 dated 09.07.2025 and the original order of punishment contained in Memo No. 10383 dated 06.06.2025 are hereby set aside.

23. Accordingly, the writ petition stands allowed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	07.04.2026
Uploading Date	14.05.2026
Transmission Date	

