

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17643 of 2024

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Avinash Kumar son of Rajendra Prasad, Resident of Village-Lata Nivas, Hatia Road, Tilka Manjhi, P.S.-Tilka Manjhi, District-Bhagalpur at present suspended Manager, Bettia Raj, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. Chief Secretary, Government of Bihar, Patna.
3. Chairman, Board of Revenue, Government of Bihar, Patna.
4. Principal Secretary, General Administration Department, Government of Bihar, Patna.
5. Secondary, General Administration Department, Government of Bihar, Patna.
6. Secretary, Board of Revenue, Government of Bihar, Patna.
7. Joint Secretary, General Administration Department, Government of Bihar, Patna.
8. Under Secretary, General Administration Department, Government of Bihar, Patna.
9. Under Secretary, Board of Revenue, Government of Bihar, Patna.
10. Deputy Secretary, Board of Revenue, Government of Bihar, Patna.
11. Deputy Secretary, General Administration Department, Government of Bihar, Patna.
12. District Officer cum Collector, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh, Advocate
For the Respondent/s : Mr. Government Pleader 04,

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 27-01-2026

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

2. The present writ petition has been filed for the
following relief/s:-



“I. Issuance of an appropriate writ including a writ in the nature of certiorari quashing the order vide Gyapank-2/Aarop-01-13/2024-Sa Pra-15104/Patna-15 dated 20.09.2024 (Annexure-P/6) issued under the signature of Under Secretary, General Administration Department, Government of Bihar, Patna (Respondent no. 8) and also quashing the order vide letter no. 2/Aarop-01-13/2024-Sa Pra-15148, Patna-15 dated 23.09.2024 (Annexure-P/7) issued under the signature of Under Secretary, General Administration Department, Government of Bihar, Patna (Respondent no. 8) without any legal basis and also not followed the rule 9(1) of Bihar Government servants (Classification Control and Appeal) Rules 2005 while the petitioner was on leave duly sanctioned by the competent authority due to illness of his wife illness because his wife was admitted in Shrishty Nurshing Home, Bhagalpur under the treatment of Dr. Sangita Mehta.

II. Issuance of an appropriate writ including a writ in the nature of writ



of mandamus commanding and directing the respondents to revoke the suspension order dated 20.09.2024 (Annexure-P/6) immediately and the petitioner posted at any place in Bihar on the post of A.D.M. rank because the said suspension order is illegal and not sustainable in the eye of law.

III. Issuance of any other appropriate writ(s), order(s), direction(s) as may be deemed fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner joined the Government Service on 22.06.1995 as a Deputy Collector (Bihar Administration Service) through 38th Bihar Public Service Examination, conducted by the Bihar Public Service Commission, Patna. Counsel submits that the petitioner was transferred from Sheohar as Settlement Officer to as Manager Bettiah Raj, Bettiah and the petitioner joined as a Manager Bettiah Raj, Bettiah on 12.02.2024 and taken charges from the District Public Grievance Redressal Officer who was posted as Incharge Manager, Bettiah Raj, Bettiah. Counsel further submits that the petitioner was on leave from 19.08.2024 due to illness of his wife which was duly sanctioned by the



competent authority. In this regard, petitioner has filed an application before the authority on 18.08.2024 regarding leave sanction *vide* Letter No. 426 dated 18.08.2024. Thereafter, the petitioner filed applications dated 26.08.2024 and 07.09.2024 regarding extension of leave before the authority as per the Doctor. Counsel further submits that the Deputy Secretary, Board of Revenue, Bihar, Patna (Respondent no.10) sent a letter to the petitioner on 27.08.2024 regarding participation in the meeting, while the petitioner was on leave, and due to illness of his wife, he could not attend the said meeting.

4. Learned counsel for the petitioner further submits that the petitioner was suspended under Rule 9(1) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005') *vide* order dated 20.09.2024 contained in Memo No. 15104 (Annexure-P/6). Counsel submits that the charges levelled against the petitioner is totally baseless and the said charges are not sustainable in the eye of law. Counsel submits that the charge levelled against the petitioner was relating to his absence without permission of the authority. Counsel submits that he has explained the entire situation under which he has taken leave. But, charge sheet has also been issued after



suspension. Counsel submits that the suspension order and the issuance of charge memo, both are baseless and there is no material for the same. In this regard, he has relied on a letter which is annexed as Annexure-P/11 to the supplementary affidavit written by the Manager, Bettiah Raj, Bettiah to the Under Secretary, Board of Revenue, Bihar, Patna dated 16.01.2025. Counsel relying on said Annexure-P/11 and submits that there is no evidence against the petitioner for charge nos.1, 2, 3 & 4. He submits that the charge memo should be set aside and the suspension order be also set aside. Counsel further relying on one letter issued by the General Administrative Department, Government of Bihar dated 21.07.2023 contained in Letter No. 13888 and submits that the Disciplinary Authority shall review the suspension of government servants under their control, who have been suspended for a period exceeding 01 year, every 03 months. He submits that here in the present case, the suspension is admittedly for about 16 months. Therefore, relying on the said letter, counsel submits that the writ petition be allowed and the suspension order as well as the charge memo, both be set aside. Counsel submits that the suspension of other person has been revoked who was working as D.C.L.R *vide* Memo No. 18916 dated 06.10.2025. He submits that the



parity be maintained in his case also.

5. Learned counsel for the State on the other hand submits that the suspension order as well as the charge memo have been issued/passed completely in accordance with law. He submits that under Rule 9(7) of the Bihar CCA Rules, 2005, the removal or suspension is valid only when no charge memo has been issued within a fixed period of time. Here in the present case, according to him, the charge memo has been issued well within time and therefore, he submits that the charge memo is not bad and whatever be the defence the petitioner has to take, he has to take before the Enquiry Officer and not directly before this Hon'ble Court. Counsel further submits that the said resolution issued by the General Administrative Department, Government of Bihar dated 21.07.2023 contained in Letter No. 13888 has no application at all in the present case, due to the reason that Rule 9(7) of the Bihar CCA Rules, 2005 is in favour of the State. The allegation of indiscipline is against the petitioner. He submits that even if no charge is there or any document is not there, then simply by writing a letter which is through internal correspondence, shall not help the petitioner in any manner. And whatever the petitioner has to say, he has to say before the Enquiry Officer only.



6. After hearing the parties, there are certain aspects which are necessary to be taken care of in the present writ petition. Firstly that whether suspension is in accordance with law or not. The answer is that it is well within the power of the Disciplinary Authority to suspend the employee. The order of suspension is well within the jurisdiction. Therefore, this Court shall not interfere in the order of suspension. It is also very clear that the appeal is maintainable against the order of suspension under Rule 23 of the Bihar CCA Rules, 2005. But, the petitioner has not preferred any appeal and directly moved before this Hon'ble Court for quashing of the suspension order.

7. The second point that whether the charge memo is defective or not. This Court has perused the charge memo which is part of Annexure- P/7. From the said charge memo, it transpires that the said charge memo has been issued on 20.09.2024 i.e. after enactment of regulation namely, Bihar Framing Of Articles Of Charge Against Government Servants Regulations, 2017. The Appendix 1 of the said regulation indicates that the memo of article of charge shall contain four parts. Here in the present case, all the four parts are present. And therefore, this Court is of the firm view that the charge memo is not defective and it is completely in accordance with the said



regulation of 2017. It is due to this reason, this Court is not ready to quash the charge memo. So far as the maintainability of the charges alleged against the petitioner by virtue of the charge memo is concerned, reliance on Annexure-P/11 shall not help the petitioner in the manner he seeks. For his defence, he has to appear before the Enquiry Officer and the Enquiry Officer shall decide the same.

8. So far as the question of parity which the petitioner raised before this Hon'ble Court by virtue of a similarly situated person in case of Ishtdev Mahadev, the then D.C.L.R, Danapur who was also suspended. But, after completion of one year in the light of Letter No. 13888 dated 21.07.2023, his suspension was removed, but the disciplinary proceeding continued.

9. This Court is hereby neither setting aside the suspension order nor the charge memo, but only directs the Principal Secretary, General Administration Department, Government of Bihar, Patna (Respondent no.4) who is the competent authority, to take a decision in case of the petitioner who is a Gazetted Officer and maintain the parity as like that of Ishtdev Mahadev the then D.C.L.R, Danapur contained in Memo No. 18916 dated 06.10.2025, within 90 days from the



date of production of a copy of this order. It is also directed that the rule on the basis of which relief has been granted to another person be also directed to be apply in case of petitioner i.e. contained in Memo No. 18344 dated 27.09.2023.

10. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	29/01/2026
Transmission Date	NA

