

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.508 of 2025

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Kumar Anuj S/o- Late Ramjee Prasad Resident of - B -13, Road No.- 2A,
Magistrate Colony, P.S.- Rajeev Nagar, Phulwari, Patna, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar at Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate Mr. Sourav Suman, Advocate Ms. Pragati Patra, Advocate Mr. Pranav Raj, Advocate
For the Respondent/s	:	Mr. Additional Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 02-07-2026

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

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

*“I. That the present writ application is
being filed for the issuance of an
appropriate writ/ order(s)/ direction(s) in
the nature of Certiorari for quashing and
setting aside the impugned order dated
17.09.2024 issued vide Sankalp No. 14779
(Annexure-P/5) wherein departmental
proceeding as the same is perverse and bad*



in law and violative and further to quash and set-aside the Prapatra-Ka dated 21.02.2019 (ANNEXURE-P/1).

II. And further grant the stay on departmental proceeding till the pendency of this writ application.

III. To issue an appropriate writ/order(s) /direction(s) in the nature of Mandamus directing the Respondent Authorities to pay all consequential benefits to the petitioner including arrears of salary after taking into consideration all the promotions, increments and pay revisions applicable to the petitioner along with interest thereupon.

IV. And for any other relief(s) for which the petitioner may be found to be entitled to in the present facts and circumstances of the case.”

3. Learned Senior counsel for the petitioner submits that upon conjugal reading of the writ petition and supplementary affidavit, it become crystal clear that Annexure-P/1 i.e. Prapatra-Ka dated 21.02.2019 and the Annexure-P/5 i.e. order dated 17.09.2024 issued *vide sankalp* No. 14779, both are perverse, bad in law and violative to the rule. Senior counsel submits that the petitioner is an officer of the Bihar Administrative Service and on the basis of a frivolous complaint



without affidavit as mandated by the Circular No. 945 dated 24.06.2005 after petitioner's transfer from Bhagalpur, has been entertained. Senior counsel further submits that the said circular has completely been ignored which is annexed as Annexure-P/11 to the supplementary affidavit, whose clause 4(5) indicates that upon receiving a complaint from other types of public representatives, a written confirmation shall be obtained from them within a specified period, along with an affidavit from them that they have personal knowledge of the matter and are ready to give evidence to prove the facts.

4. Learned Senior counsel for the petitioner further submits that by virtue of Annexure-P/9 i.e. Letter No. 2763 dated 26.02.2014 issued by the General Administrative Department, Government of Bihar, a time frame has been fixed for completion of the departmental proceeding. He submits that Prapatra-Ka has been framed in the year 2019. A letter has been issued by which the appointment of Enquiry Officer has been made with the supplementary charge memo on 17.09.2024, but the proceeding has not been concluded even after lapse of about one and a half year, in-spite of the fact that according to the said letter dated 26.02.2014, the conclusion of departmental proceeding has to be made within 12 months (one year).



5. Learned counsel for the State, on the other hand, submits that as per his knowledge, the departmental proceeding is going on, Enquiry Officer has been appointed, the petitioner is participating before the Enquiry Officer and proceeding is at the stage of evidences of the witnesses. Counsel submits that the said circular is not applicable in the present case. Counsel for the State undertakes that they shall conclude the departmental proceeding within four months.

6. After hearing the parties and upon perusal of the Circular No. 945 dated 24.06.2005 (annexed as Annexure-P/11 to the supplementary affidavit), it transpires that the said circular is of 24.06.2005, whereas, Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005') has been published in the Bihar Gazette (Ext.-ord.) No. 348 on 13.07.2005. Meaning thereby, the said circular is of 24.06.2005 and the Bihar CCA Rules, 2005 has come after w.e.f. 13.07.2005.

7. The saving clause of the Bihar CCA Rules, 2005 as mentioned in Rule 32 clearly states that earlier laws including notifications making amendments in the said two Rules are repealed. Meaning thereby, the said circular dated 24.06.2005 shall not help the petitioner in any manner. It is made clear that



Rule 17(2) of the Bihar CCA Rules, 2005 clearly indicates that:-

“Wherever the disciplinary authority is of the opinion that there are grounds for inquiring about the truth of any imputation of misconduct or misbehaviour against a government servant, he may himself inquire into it, or appoint under these Rules an authority to inquire about the truth thereof.”

8. Upon interpretation of Rule 17(2) of the Bihar CCA Rules, 2005, it transpires to this Court that the law maker has given discretion to the Disciplinary Authority that if he is of the opinion that there are grounds for inquiring about the truth of any imputation of misconduct or misbehaviour against a government servant, he may proceed. There is no barrier created in the said provision that the grounds available to the Disciplinary Authority shall be on affidavit. Therefore, this Court is not accepting the contention of learned Senior counsel for the petitioner and Annexure-P/11 i.e. Circular No. 945 dated 24.06.2005 is not applicable here in the present case.

9. So far as the time limit for conducting the enquiry is concerned for which the General Administrative Department has issued a letter on 26.02.2014, it transpires that the time frame has been fixed.



10. This Court is not inclined to interfere in this matter and therefore, no relief can be granted to the petitioner. However, the respondent authorities are directed to conclude the departmental proceeding within a period of six months from today. The petitioner is directed to appear in the departmental proceeding and extend full cooperation for its expeditious conclusion.

11. Accordingly, with the aforesaid observation and direction, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	06/07/2026
Transmission Date	NA

