

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.907 of 2025

Most. Indu Devi Wife of Late Surendra Prasad Yadav @ Surendra Yadav,
Resident of Village and P.O. Gokhula, Police Station- Shikarpur, District-
West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Old Secretariat, Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate-cum-Collector, West Champaran, Bettia.
4. The Addl. Collector, West Chamapran, Bettia.
5. The Deputy Collector Establishment, West Champaran, Bettia.
6. The Circle Officer, Bhitaha Block, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Respondent/s : **Mr. Government Pleader (19)**

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

C.A.V. JUDGMENT

Date : 08-07-2026

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

2. Learned counsel for the petitioner submits that the
petitioner has filed the present writ petition for the following
relief/s :-

*“1(a) for issuance of an
appropriate writ by preferably in the nature
of writ of certiorari to quash the order dated
08.08.2024 passed by the Commissioner,
Tirhut Division, Muzaffarpur in Service
Appeal Case No. 96 of 2024 whereby the*



appeal has been rejected.

(b) Further a writ of mandamus may be issued to provide all the financial benefit to the petitioner during his period of suspension.

(c) Further a writ of mandamus may be issued to provide all the financial benefit to the petitioner during his period of suspension.

(d) Further an order may be passed to provide all retiral benefits to the petitioner.

(e) Further any other benefit as his lordships may be deem fit in the backdrop of this case.”

3. Learned counsel for the petitioner submits that the petitioner's husband was appointed as a Revenue Karmchari in the year 1988 under the Collector, Bettiah, following the due process of selection. It is submitted that, subsequently, vide Memo No. 163 dated 17.01.2017 (Annexure P/2 to the writ petition), the petitioner's husband was informed regarding the initiation of a departmental proceeding by service of charges contained in *Prapatra-Ka*. The Additional Collector, West Champaran, Bettiah, was appointed as the Conducting Officer, while the Deputy Collector Land Reforms (DCLR), Bagaha, was appointed as the Presenting Officer.



4. Learned counsel further submits that the allegation in the charge memo was that the petitioner's husband had recommended opening of an old Jamabandi in respect of Thana No. 276, Khata No. 7, Khesra Nos. 615, 621, 622, admeasuring a total area of 107 bighas, without obtaining the approval of the competent authority and without verifying the Bettiah Raj settlement (*Patta*) and the rent receipts issued by Bettiah Raj. Learned counsel further submits that, in compliance with the order of the Collector, the Conducting Officer issued a show-cause notice along with the charges contained in *Prapatra-Ka* to the petitioner's husband. In response thereto, he submitted his reply dated 28.01.2017, denying the charges and raising various objections. It is further submitted that, after conducting the enquiry, the Conducting Officer submitted his enquiry report to the Disciplinary Authority holding the petitioner's husband guilty of the charges. Thereafter, a second show-cause notice was issued vide Memo No. 557 dated 06.12.2017. Subsequently, the petitioner's husband preferred Service Appeal No. 91 of 2019 before the Divisional Commissioner, Tirhut Division, which came to be dismissed by order dated 20.09.2019. Aggrieved thereby, the petitioner's husband challenged both the order of punishment as well as the appellate order before this



Court in CWJC No. 808 of 2020. The said writ petition was allowed vide judgment dated 25.04.2020, whereby the order of punishment contained in Memo No. 150 dated 05.03.2019 and the appellate order dated 20.09.2019 passed in Service Appeal No. 91 of 2019 were quashed.

5. Learned counsel for the petitioner further submits that while setting aside the aforesaid orders, this Court directed the Disciplinary Authority to take a fresh decision regarding continuation of suspension or reinstatement of the petitioner's husband within a period of two months from the date of receipt/production of the order. This Court further directed that the intervening period from the date of dismissal till the passing of a fresh order should also be considered and regulated in accordance with law after completion of the enquiry proceedings. It was further observed that there had been non-compliance with sub-rule (4) of Rule 17 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as the 'CCA Rules, 2005), and, accordingly, the disciplinary authority was directed to recommence the enquiry from the defective stage and conclude the proceedings within six months.

6. Learned counsel further submits that, in compliance



with the aforesaid judgment dated 25.04.2020 passed in CWJC No. 808 of 2020, the Disciplinary Authority issued Memo No. 623 dated 02.08.2022, whereby the petitioner's husband was reinstated in service and posted in the Circle Office, Bagaha-II (Annexure P/5). It is further submitted that, thereafter, vide Memo No. 658 dated 16.08.2022 (Annexure P/6), the petitioner's husband was again placed under suspension. His headquarters was fixed at the Circle Office, Mainatand, and the Additional Collector, West Champaran, was again nominated as the Conducting Officer, while the DCLR, Bagaha, was appointed as the Presenting Officer for conducting the departmental enquiry afresh from the stage identified as defective by this Court.

7. Learned counsel further submits that a second show-cause notice, along with a copy of the enquiry report, was thereafter issued vide Memo No. 1471 dated 23.11.2022 (Annexure P/7). It is contended that the said second show-cause notice was issued by the Deputy Collector (Establishment), West Champaran, Bettiah, which is in gross violation of Rule 18(3) of the CCA Rules, 2005. According to learned counsel, only the Disciplinary Authority, namely the Collector of the district, was competent to issue the second show-cause notice.



Consequently, it is submitted that all consequential actions taken on the basis of such an invalid second show-cause notice are unsustainable in the eyes of law and deserve to be quashed.

8. Learned counsel further submits that, after receipt of the aforesaid second show-cause notice, the petitioner's husband submitted his reply. Thereafter, the Disciplinary Authority passed the final order contained in Memo No. 2 dated 02.01.2023, imposing the punishment of dismissal from service. It is submitted that the said order of dismissal was challenged before this Court in CWJC No. 8140 of 2023. However, the writ petition was disposed of granting liberty to the petitioner's husband to avail the statutory remedy of appeal before the Appellate Authority. Pursuant thereto, he preferred Service Appeal No. 96 of 2024, which was dismissed vide order dated 08.08.2024 (Annexure P/11).

9. Learned counsel for the petitioner further submits that the findings recorded by the Enquiry Officer, the Disciplinary Authority, as well as the Appellate Authority are not based upon any legal evidence or material available on record and are, therefore, wholly perverse and unsustainable in law.

10. Learned counsel appearing for the State, on the



other hand, submits that the issue regarding procedural irregularity had already been considered by this Court in the earlier round of litigation, whereafter liberty was granted to the authorities to proceed with the departmental enquiry from the defective stage. It is further submitted that the Conducting Officer-cum-Additional Collector, West Champaran, Bettiah, forwarded the enquiry report to the Deputy Collector (Establishment), West Champaran, Bettiah, vide Letter No. 3768 dated 26.10.2022 for taking necessary action. Thereafter, in terms of Rule 18(3) of the CCA Rules, 2005, Memo No. 1471 dated 23.11.2022 was issued enclosing the enquiry report and all relevant documents, thereby calling upon the petitioner's husband to submit his representation against the enquiry report.

11. Learned counsel for the State further submits that the decision to issue the second show-cause notice was taken by the Disciplinary Authority, namely the Collector, and the Deputy Collector (Establishment) merely communicated the same under the instructions of the Collector. According to him, this position is evident from the contents of the communication itself. He further submits that the petitioner's husband submitted his reply to the second show-cause notice, which was found to be unsatisfactory. It is contended that, in his reply, the petitioner's



husband admitted certain factual aspects. He stated that the Enquiry Officer had obtained his signatures on the order-sheet of Case No. 03/2013-14 under pressure. He also alleged that the Circle Officer compelled him to sign the enquiry proceedings. At the same time, he admitted that the Circle Officer, Bhitaha, had forwarded the settlement *Patta* and rent receipts to the office of Bettiah Raj for verification. He further admitted that he was unaware as to who had created the Jamabandi in Register-II and asserted that he had never signed Register-II.

12. Learned counsel for the State further submits that, after considering the enquiry report and the defence submitted by the petitioner's husband, the Disciplinary Authority recorded a finding that the charges stood proved and, accordingly, imposed the punishment of dismissal from service. The statutory Service Appeal No. 96 of 2024 preferred against the said order was also dismissed after due consideration. It is further the stand of the State that the petitioner's husband was paid subsistence allowance during the entire period of suspension. The details of the subsistence allowance paid to him are as follows:

SL No.	Mode of payment	Bill No. and date	Amount paid	remarks
1	GPF	10.06.2023	896936/-	Surendra Prasad Yadav (A/C) NO.11874577946
2	August, 2022 subsistence	BRF No. 1674970995422	36878/-	Surendra Prasad Yadav (A/C)



	allowance			NO.11874577946 SBI
3	October, 2022 Subsistence Allowance	BRF No. 1678121373800	40434/-	Surendra Prasad Yadav (A/C) NO.11874577946 SBI
4	October, 2022 Subsistence Allowance	BRF No. 1678121469915	40434/-	Surendra Prasad Yadav (A/C) NO.11874577946 SBI
5	November, 2022 Subsistence Allowance	BRF No. 1676121022321	40434/-	Surendra Prasad Yadav (A/C) NO.11874577946 SBI
6	December, 2022 Subsistence Allowance	BRF No. 1678121720135	40434/-	Surendra Prasad Yadav (A/C) NO.11874577946 SBI
7	January, 2023 Subsistence Allowance	38/25-26 20.1.2026	5218/-	Indu Devi A/C No. 43502497717 S.B.I.
8	Group Insurance	133/25-26 29.03.2025	114998/-	Indu Devi A/C No. 43502497717 S.B.I.

13. Learned counsel for the State concludes his submissions by contending that the scope of judicial review in disciplinary matters is limited to examining whether the principles of natural justice have been complied with and whether the punishment imposed is shockingly disproportionate. He submits that, in the present case, the earlier order of punishment was set aside by this Court solely on account of procedural irregularity, with a direction to recommence the departmental proceeding from the defective stage. Thereafter, the enquiry was conducted strictly in accordance with law and



no procedural irregularity was committed. Adequate and reasonable opportunity was afforded to the petitioner's husband at every stage of the proceeding and, therefore, no violation of the principles of natural justice can be said to have occurred. It is further submitted that the misconduct committed by the petitioner's husband facilitated the illegal transfer of approximately 107 bighas of Bettiah Raj land in favour of raiyats. Considering the gravity of the misconduct, the punishment of dismissal from service cannot be said to be excessive or disproportionate; rather, it is commensurate with the nature and seriousness of the charges proved against him.

14. Upon hearing the learned counsel for the parties and on perusal of the materials available on record, this Court finds that the principal contention advanced on behalf of the petitioner is that the second show-cause notice issued under Rule 18(3) of the CCA Rules, 2005, is without jurisdiction, as it was not issued by the competent disciplinary authority. In order to examine the aforesaid contention, it would be apposite to reproduce the provisions of Rule 18(3) of the CCA Rules, 2005, which read as follows:-

“(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.”

15. Upon a bare reading of the second show-cause notice, it transpires that the decision to issue the same was taken by the Collector, and pursuant to the Collector's directions, the Deputy Collector (Establishment) issued the second show-cause notice. This Court finds that the second show-cause notice has been issued under Rule 18(3) of the CCA Rules, 2005. In the opinion of this Court, there is no defect or illegality in the exercise of power under Rule 18(3) of the CCA Rules, 2005. Accordingly, the said contention raised on behalf of the petitioner is devoid of merit and is rejected.

16. So far as the petitioner's contention that no witness was examined during the departmental enquiry is concerned, this Court, upon perusal of the charge memo, the enquiry report and the second show-cause notice, finds that the petitioner's husband himself has substantially admitted the allegations. His only explanation is that his signatures on the relevant documents were obtained by the Circle Officer under coercion. It is an admitted position that the petitioner's husband has been serving as a Revenue Karamchari since 1988 and was the custodian of



the relevant records maintained in the Circle Office. If the petitioner's husband own case is that his signatures were obtained under pressure from the Circle Officer, it necessarily implies that he had signed the documents in question, though according to him under coercion. Such a defence, by itself, does not absolve him of his responsibility, particularly when no contemporaneous complaint or material has been brought on record to substantiate the allegation of coercion.

17. This Court, therefore, is of the considered view that the delinquent's explanation in the second show-cause notice, namely that he signed the documents and participated in the enquiry under pressure from the Circle Officer, does not help him. The findings recorded by the disciplinary authority are based on the materials available on record and do not suffer from any perversity or illegality. This Court further finds that the principles of natural justice have been duly complied with, adequate opportunity of hearing was afforded to the petitioner's husband throughout the disciplinary proceeding, and no procedural irregularity has been established.

18. In view of the aforesaid findings, this Court is of the considered opinion that the punishment imposed cannot be said to be so disproportionate or shockingly excessive as to



warrant interference in exercise of the power of judicial review under Article 226 of the Constitution of India.

19. Accordingly, finding no merit in the present writ petition, the same stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	30.06.2026
Uploading Date	09/07/2026
Transmission Date	NA

