

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5988 of 2019**

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Sanjay Kumar S/o Late Indradeo Prasad, Resident of Mohalla- Maulabag,  
Ara, P.S. Nawada, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
4. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Under Secretary, General Administration Department, Govt. of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shally Kumari  
For the Respondent/s : Mr. Md. N.H. Khan (Sc1)

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 26-11-2021**

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:

“(i) For issuance of appropriate writ in quashing the Memo No. 11092 dated 16.08.2018 issued under the signature of Deputy Secretary, General Administration Department, Govt. of Bihar whereby and whereunder the petitioner has been dismissed from the service contained in Annexure-21.

(ii) For issuance of an appropriate writ in quashing the Letter No. 237 dated 07.01.2019 issued under the signature of Under Secretary, General Administration Department, Govt. of Bihar whereby and whereunder the Revision application against the dismissal order filed by the petitioner has also been



rejected contained in Annexure-23.

(iii) For issuance of an appropriate writ to commanding the Respondent to reinstate the petitioner with all consequential benefits.

(iv) For any other relief or reliefs for which the petitioner is entitled under law as well as on the facts of the case.”

3. The petitioner while working as Section Officer, he had illegally demanded a sum of Rs. 10,000/- from one Anuj Kumar in respect of doing official favour. In this regard, Anuj Kumar filed a complaint before the Vigilance. A trap proceeding was drawn and led on 29.06.2015. While petitioner was accepting a sum of Rs. 7,000/-, he was arrested in Vigilance P.S. Case No. 51/2015, which was registered for the offences punishable under Sections 7, 13(2) read with 13(1) of Prevention of Corruption Act, 1988. Arising out of the aforesaid factual aspect, petitioner was subjected to parallel proceedings. Charges were framed and it was concluded in imposition of penalty as dismissal from service.

4. Feeling aggrieved and dissatisfied by the aforesaid order of dismissal, the petitioner has presented this petition. One of the contention in support of challenge to the order of dismissal, there is non-compliance of Sub-rule 3 and 4 of Rule 17 of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to “Bihar CCA Rules,



2005”). On this issue, learned State Counsel has not disputed. So also, it is evident from Annexure-8.

5. In the light of aforesaid facts and circumstances, the petitioner has made out a case to interfere the order of dismissal dated 16.08.2018 and the same is set aside.

6. The matter is remanded to the disciplinary authority to commence the enquiry from the defective stage and conclude the same within a period of six months from the date of receipt of copy of this order. This Court has come across in number of cases that there is non-compliance of Bihar CCA Rules, 2005 from the initiation of enquiry itself, in the result proceedings are being set aside and matters are being remanded. It is high time that the disciplinary authorities are passing orders/proceedings are being drawn without looking into the relevant provisions of Rules/Act, which has affected the State treasury. Therefore, the Chief Secretary, State of Bihar is hereby directed to initiate refresher courses to the heads of the department and Secretariat officials in respect of initiation of enquiry and completion while following Bihar CCA Rules, 2005 in stricto sensu.

7. Accordingly, the instant petition stands allowed. Impugned orders are set aside.

8. Copy of the order be communicated to the Chief



Secretary, State of Bihar through the Registrar of this Court for  
necessary action.

**(P. B. Bajanthri, J)**

rakhi/-

<b>AFR/NAFR</b>	
<b>CAV DATE</b>	
<b>Uploading Date</b>	02.12.2021
<b>Transmission Date</b>	

