

(2026) 08 PAT CK 2386

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.11107 of 2026

Awadhesh Kumar Singh @ Avdhesh Kumar

APPELLANT

Vs

The State Of Bihar & Ors.

RESPONDENT

Date of Decision : 06-08-2026

Acts Referred:

Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 — Rule 23, 25

Citation : (2026) 08 PAT CK 2386

Hon'ble Judges : Harish Kumar, J

Bench : Single Bench

Advocate : Mr. Gyanand Roy, Mr. Yogesh Kumar

Final Decision : Disposed of

Judgement

Date : 06-08-2026 Heard Mr. Gyanand Roy, learned Advocate for the petitioner and Mr. Yogesh Kumar, learned Advocate for the State.

2. The petitioner is aggrieved by an order as contained in Memo No. 1672 dated 22.08.2019, whereunder the order for reinstatement of the petitioner in service on the post of Revenue Karamchari has been passed in the light of the order of this Court dated 31.01.2019 passed in CWJC No. 1397 of 2017, with following punishments:-

“(a) The period during which the petitioner has remained dismissed from the service will not be counted as the period of the Government Service of the petitioner.

(b) This order will be dependent upon the order, which will be passed in Vigilance P.S. Case No. 56/2012 dated 03.08.2012.

(c) The petitioner will get the same salary etc., which he was getting prior to his dismissal from service and besides that he will not get payment of any other amount.”

3. The petitioner assailed the aforesaid order on the ground that the District Magistrate, Araria – cum -Disciplinary Authority has conducted the disciplinary proceeding in complete contravention of provisions laid down in Bihar

Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as, "Rules, 2005"), as well as the order is contrary to the mandate of decision dated 31.01.2019 passed in CWJC No. 1397 of 2017. It is further contended that the parity in punishment has also not been followed by the disciplinary authority.

4. Adverting to the facts of the case, it is further submitted that on account of certain charges, the petitioner has been subjected to a disciplinary proceeding, but surprisingly, none of the charges proved, but only on account of the fact that there is a pending Vigilance P.S. Case bearing No. 56 of 2012 against the petitioner, and as such, the present punishment came to be passed.

5. Learned Advocate for the State, at this juncture, submitted that besides the impugned order is of 2019, the petitioner has statutory remedy of appeal against the order passed by the District Magistrate, Araria - cum - Disciplinary Authority.

6. Having considered the submissions advanced by learned Advocates for the respective parties and taking note of the fact that the petitioner has statutory remedy under Rule 23 of the Rules, 2005 to assail the order by filing an appropriate appeal. However, the period of filing of the limitation is confined to 45 days in terms with Rule 25 of the Rules, 2005; this Court deems it fit and proper to direct the petitioner to file an appropriate appeal along with the petition for condonation of delay.

7. In case such an application is filed, the Divisional Commissioner, Purnea Division, Purnea, shall consider the application for condonation of delay sympathetically and decide the matter on merit, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. It is made clear that the petitioner shall be at liberty to take all the grounds as has been raised before this Court in the appeal, which shall be considered by the appellate authority while disposing of the appeal.

9. With the aforesaid observation and direction, the present writ petition stands disposed of.