

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4277 of 2015

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Mahafizur Rahman @ Mahfoozur Rahman, son of Late Reyazur Rahman, resident of Meherkunj Apartment, Flat No. 14, New Patliputra Colony, Road no. 3, Police Station Patliputra, Post Office- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the principal Secretary, Department of Home (police), Govt. of Bihar, Patna.
2. The Director General of Police Bihar, Patna
3. The Inspector General of Police (Patna Zone) Bihar, Patna.
4. The Deputy Inspector General of Bihar, Central Range, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Senior Superintendent of Police (Town), Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Adv.
Mrs. Anjum Praveen, Adv.
For the Respondent/s : Smt. Binita Singh, G.P. 31.
Mr. Rewti Raman, AC to GP 31

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 06-07-2015

Heard learned counsel for the petitioner and the State.

The allegation against the petitioner is that while he was posted as a Circle Inspector, Bakhtiyarpur he gave a clean cheat to a probationer, A.S.I Ranjeet Kumar during verification of his character done by him. However, one Smt. Arti Kumari pointed out to the superior authorities that Ranjeet Kumar @ Pawan Kumar was an accused in Bakhtiyarpur P.S Case No. 175 of 2008 and even a charge sheet was submitted against him on 22.09.2008 under several Sections of the IPC like 341, 323, 325, 504, 379/34.

It is alleged that because of the conduct of the petitioner



the said person despite being an accused managed to get employment under the State. Several submissions have been made. Those submissions do not cut much ice because what was required to be done was a verification whether any case was pending against the probationer ASI in the Thana. Facts speak for themselves. Despite filing of a chargesheet he gave a clean chit. Petitioner had a duty to be vigilant as he was the authority who made the verification on the character, which turned out to be contrary to the materials available in the police station at Bakhtiyarpur. Both these facts are not in dispute. Only other aspect is whether the explanation offered by the petitioner in any manner dilutes the omission on his part.

The order of punishment is Annexure 6 which is withholding of one increment amounting to two black marks. Petitioner submits that imposition of two black marks is excessive in nature because Rule 834 of the Bihar Police Manual, 1978 indicates that two black marks should generally be awarded in offences where moral turpitude can reasonably be inferred. It is also submitted that since the petitioner was on the verge of retirement therefore, lenient view ought to have been taken in awarding the said punishment.

Keeping the provisions of the police manual as well as the fact that the petitioner has superannuated on 31.08.2012, the punishment of two black marks is reduced to one black mark but

petitioner cannot be exonerated of his omission outright.

In the given facts writ is allowed to the extent indicated above. The altered punishment against the petitioner shall remain i.e one black mark.

(Ajay Kumar Tripathi, J)

Prakash/-

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