

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8190 of 2015

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Lalan Roy Son of Late Shrestha Roy, Resident of village- Madhopur, P.S.-
Waris Nagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The D.G.P. of Bihar, Patna.
3. The I.G., B.M.P., Bihar, Patna.
4. The D.I.G., Uttari Mandal, Muzaffarpur.
5. The Commandant B.M.P.- 6, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, adv.

For the Respondent/s : Mr. Mani Kant Mishra, GP 25

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 05-08-2015

Heard learned counsel for the parties.

2. The petitioner in this writ application has assailed his order of dismissal dated 15.04.2008 passed after conducting a departmental proceeding.

3. This Court, however, is not inclined to entertain this writ application after a period of seven years inasmuch as this writ application has been filed on 22.05.2015 assailing his aforementioned order of dismissal from service dated 15.04.2008 which has become final in absence of an appeal or a memorial filed by him as specifically provided in Bihar Police Manual.

4. The only ground on which the learned counsel for the petitioner has sought to justify filing of this writ application that the petitioner was not required to file an appeal because the

petitioner's defence was not examined in course of departmental proceeding, also does not seem to be factually correct. As a matter of fact, the petitioner was given full opportunity to not only cross-examine the witnesses of the Department but also to explain the documents proved by them in course of departmental proceeding. Thus, if the petitioner did not avail such opportunity and also did not lead the defence witness on the point that he became mentally disturb on account of sudden family problem, he cannot now, after seven years, assail the order passed by the disciplinary authority in the departmental proceeding after providing all reasonable opportunity. In fact, such an order also does not suffer from such a vice that he should not have filed an appeal and/or memorial as is provided under the Bihar Police Manual.

5. That being so, this writ application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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