

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16831 of 2011

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Rajiv Nandan Singh Son Of Late Rameshwar Singh Resident Of Village
Sahwagpur (Sarai), P.S. Sitamarhi, District- Nawada Petitioner
Versus

1. The State Of Bihar
 2. The Director General Of Police, Bihar, Patna
 3. Inspector General Of Police, Tirhut Range, Muzaffarpur
 4. Deputy Inspector General Of Police, Muzaffarpur
 5. The Superintendent Of Police , Muzaffarpur (Disciplinary Authority)
 6. The Enquiry Officer-Cum-Inspector Of Police, Sadar, Muzaffarpur
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwari, Advocate
For the Respondent/s : Mr. Rishiraj Sinha GP19

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

4 08-02-2016 In the year 1994, the petitioner was posted as constable within Siwaipatti Police Station in the district of Muzaffarpur. During the said period, one Sitaram @ Babaji was encountered for which Siwaipatti Police Station case no. 27 of 1994, dated 7.6.1994 was lodged under sections 307, 332, 333 and 323 of the Indian Penal Code and 25 Arms Act to which subsequently section 302 of the Indian Penal Code was also added, as the injured succumbed. A departmental proceeding was also started against the petitioner in which he was dismissed from service. In course of time, criminal case concluded exonerating the petitioner and others including one Sudarshan Sahni.

The petitioner submits that after acquittal Sudarshan

Sahni filed an application before the authorities for revocation of order of dismissal which went unaddressed. Left with no remedy, he moved this Court in C.W.J.C.No. 20570 of 2010 which was disposed of on 20.9.2012 with a direction to the Appellate authority to hear and decide the review petition. The petitioner submits that his case is on similar footing and seeks similar observation.

I find that as the petitioner and Sudarshan Sahni were put on departmental proceeding for broadly similar charges, the writ petition stood disposed of with certain direction. As such, the instant writ petition is also disposed of with direction to the Appellate authority to pass appropriate order on review application, provided the same is filed afresh within a period of two months from today with a copy of this order.

(Samarendra Pratap Singh, J)

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