

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15452 of 2013

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Ram Swaroop Prasad Yadav, Son of Sri Daso Yadav, Resident of Village - Phaldu,
P.S.- Naradiganj, 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. ARBIND KUMAR SINGH

For the Respondent/s : Mr. PRASOON SINHA

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 10-02-2016

Heard learned counsel for the petitioner and the respondents.

The petitioner was posted as constable within Siwaipatti police station in the district of Muzaffarpur. He was accused of fake encounter killing one Sitaram @ Babajee, for which a criminal case being Siwaipatti P.S. case no. 37 of 1994 under Sections 147, 149, 323, 354, 504, 448 and 302 of the Indian Penal Code and Section 25 (1-b) a/26/27 of the Arms Act was instituted. In the departmental proceeding, the petitioner along with one Sudarshan Sahani was dismissed. The appeal against the dismissal of service was too dismissed. In criminal appeal, the petitioner was acquitted of the criminal charges.

The petitioner in this writ application seeks

quashing the order dated 06.06.2007 passed by the Superintendent of Police, Muzaffarpur dismissing him from service as well as the appellate order of the Deputy Inspector General of Police, Muzaffarpur, dated 30.06.2010, affirming the order of dismissal.

The relief of the petitioner is founded on the premise that the allegations leveled in the departmental proceeding and the criminal case is based on same sets of facts.

The petitioner submits that in similar circumstance one Sudharshan Sahani has been directed to be reinstated in service vide Annexure-7/1.

In my view, the petitioner should first approach the disciplinary authority for reviewing the order in view of the subsequent development. In case, if any such review application is filed, the disciplinary authority would pass a fresh order without being influenced by the earlier orders including the order dated 30.06.2010 of the appellate authority.

It is expected that the review petition would be taken up within a period of two months from the date of receipt of a copy of this order.

This applications stands disposed of.

(Samarendra Pratap Singh, J.)

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