

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5623 of 2016

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Jay Prakash Yadav, Son of Shivji Prasad Yadav, R/o village - Ekma
Hansrajpur, P.S. Ekma, District - Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar, through Secretary, Department of Home, Govt. of Bihar, Patna
2. The Secretary, Department of Home, Govt. of Bihar, Patna
3. Director General of Police, Bihar, Patna
4. Deputy Inspector General of Police, Tirhut Range, Muzaffarpur
5. Superintendent of Police, Sitamarhi
6. Sub - Divisional Police officer, Sadar Anumandal, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit

For the Respondent/s : Mr. Vinay Kirti Singh, GA-3

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 05-07-2016 Heard counsel for the petitioner and learned Counsel
appearing for the State.

Petitioner seeks setting aside of the order contained in Memo No. 2176, dated 20.09.2013, issued under the signature of the Superintendent of Police, Sitamarhi (respondent no. 5), whereunder the services of the petitioner was ordered to be terminated with immediate effect. He further seeks quashing of the order 25.04.2014 and order, dated 15.04.2015, passed in appeal and memorial, affirming the order of retrenchment passed by

respondent no. 5.

The petitioner was appointed as a Sepoy in the Bihar Police Force on 29.06.1999. In the year 2007, he was posted in Sitamarhi District. He along with one Imtiyaz Khan, was proceeded for planting arms underneath bed of one fellow constable Raj Kishore Paswan. On conclusion of the inquiry, the Inquiry Officer recorded finding of guilt against the petitioner. On the basis of inquiry report, the Disciplinary Authority inflicted punishment of dismissal from service.

The petitioner submits that he was not given adequate opportunity to defend his case in the departmental proceeding as neither copy of inquiry report was given to him nor any opportunity was provided to make any comments against the adverse findings recording in the inquiry report.

In nutshell, he submits that his case is fully covered under the order, dated 15.03.2016, passed in the case C.W.J.C. No. 14071 of 2014 (Imtiyaz Khan Vs. State of Bihar & Ors.), which was allowed and the order of punishment was set aside and the matter was remitted back to the Disciplinary Authority to proceed afresh after issuing of second show-cause notice.

I find the petitioner's case to be similar to that of Imtiyaz Khan. This writ application is thus too disposed of in the

aforesaid terms. The impugned order of punishment is set aside and the matter is remitted to the Disciplinary Authority to proceed afresh from the stage of issuance of second show-cause notice.

(Samarendra Pratap Singh, J)

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