

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3741 of 2014

=====

Amarnath Kumar Yadav, aged about 26 years, S/O Raj Kumar Yadav, Resident of Village + P.O. Sisba Barhi, Via- Fulparas, P.S.- Fulparas, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Lakhisarai

.... Respondents

=====

Appearance :

For the Petitioner	:	Mr. Rajendra Prasad Singh, Senior Advocate Mr. Rishi Raj, Advocate Mr. Ravi Kumar, Advocate
For the Respondents	:	Mr. Kameshwar Kumar, G.P.17 Mr. S.K. Ranjan, A.C. to G.P.17

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 15-09-2017

Heard both sides.

2. The petitioner herein prayed for direction to the respondent no.3, Superintendent of Police, Lakhisarai not to prevent the petitioner from discharging his duty as Constable in Bihar Police and pay him the arrears of his salary and current salary.

3. The brief fact is that in pursuance of the Advertisement No.01 of 2012 dated 31.5.2012, the petitioner applied for appointment on the post of Constable in Bihar Police. The petitioner came out successful in written test as well as in physical test vide letter dated 2.6.2013 as contained



in Memo No.386, the Secretary of Central Recruitment Board (Constable Recruitment), Bihar, Patna directed the petitioner to join as Constable on 30.6.2013 or thereafter, till 20.8.2013. The petitioner submitted his joining on 16.7.2013, but the petitioner was not allowed to work and thereafter, the petitioner filed this writ petition.

4. Shri Rajendra Prasad Singh, learned Senior Counsel for the petitioner submits that when the petitioner submitted his joining, the authority gave him a form to fill up the form. The petitioner submitted the form after filling up. The petitioner worked but the petitioner was not given his salary. If the Superintendent of Police found any defect, he should have rejected the joining of the petitioner or terminated the petitioner from services on concealment of any facts but till date no order has been passed.

5. The respondents have stated that after filling of the form by the petitioner, the same was sent to S.P., Madhubani, the home district of the petitioner for police verification. S.P., Madhubani, after making enquiry, reported on 27.8.2013 that the petitioner was accused in Phulparas P.S. Case No.310 of 2012 registered under Section 414 of the Indian Penal Code and the police, after investigation,



submitted charge sheet but the court acquitted the petitioner on the basis of compromise on 6.8.2013. Learned counsel for the respondents submitted that the petitioner has conveniently concealed the facts of his criminal antecedent and, therefore, the S.P., Lakhisarai did not accept the joining of the petitioner. The joining of the petitioner was kept pending till the police verification report.

6. Having considered the submissions of both sides, I find that once the petitioner submitted his joining on 16.7.2013, the S.P. was not at all justified to keep joining of the petitioner pending till the police verification report. The police verification report was also received on 27.8.2013 but even then the S.P. did not pass any order on the joining of the petitioner. The proper course in law would have been that the joining of the petitioner should have been accepted. After receipt of police verification report if it was found that the petitioner had concealed any material facts, the petitioner should have been noticed and action in accordance with law should have taken against petitioner for concealment of material facts.

7. Having considered the facts aforesaid, I direct the S.P., Lakhisarai to firstly accept the joining of the petitioner



and thereafter proceed further in accordance with law.

8. Thus, the writ petition is allowed.

(Prabhat Kumar Jha, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06-10-2017
Transmission Date	

