

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3280 of 2008

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Ram Dayal Paswan son of Late Ramayan Paswan of Village – Sundarpur Barja
P.O. – Barja, P.S. – Bihiyan District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The D.G.-cum-I.G. of Police, Bihar, Patna
3. The D.I.G. of Police Sahabad Range, Dihri on Sone Sasaram, Rohtas
4. The S.P. Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. TEG BAHADUR SINGH
Mr. Purnendu Nr.Singh

For the Respondent/s : Mr. (AAG1)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 14-02-2017

Heard both sides.

The petitioner by filing this writ petition seeks quashing of Rotas Zila Police Bal order no. 177/2002, by which the services of the petitioner have been terminated vide order dated 15.07.2005, as contained in Memo No. 21581 (Annexure-3). The petitioner further seeks quashing of order dated 03.11.2005, D.O. No. 2631/05 (Annexure-4) and order dated 07.01.2011, as contained in Memo No. 63 (Annexure-7) by which the appeal and Memorials of the petitioner were dismissed by the Deputy Inspector General, Sahabad and Director General of Police, Bihar, Patna respectively.

The brief facts which are relevant for the disposal of this writ petition are that the petitioner was appointed as Constable in the



year 1979 and he was posted in Sasaram. While the petitioner was on duty in court Hazat, seven persons fled away after breaking rear wall of Hazat. Mr. Raj Narayan Jha Sub-Inspector and Mr. Ram Raj Sharma Sub-Inspector were posted at Hazat. Departmental proceeding was initiated against the petitioner and others for dereliction of duty and the petitioner was dismissed from service by the Superintendent of Police, Rohtas vide order, as contained in Memo No. 21581 dated 15.07.2005.

Learned counsel for the petitioner assails the order and submits that the State has filed supplementary counter affidavit on 13.02.2017 in which it is stated that Mr. Raj Narayan Jha Sub-Inspector of Police and Mr. Ram Raj Sharma also Sub-Inspector of Police were departmentally proceeded for the same and similar charges. They were also posted at court Hazat with the petitioner, but they were given light punishments, as stoppage of two increments and black marks, whereas, the petitioner has been dismissed from service on the same and similar charge. Therefore, the order impugned is discriminatory and this fact has not at all been pointed out by the Appellate Authority and the D.G.P., Bihar, Patna. From the facts itself, it appears that the authorities have discriminated the petitioner in inflicting punishment for the same and similar charge and thus, I find that the order dated 15.07.2005, as contained in Memo No. 21581



(Annexure-3), order dated 03.11.2005, D.O. No. 2631/05 (Annexure-4) and order dated 07.01.2011, as contained in Memo No. 63 (Annexure-7) are not sustainable.

This writ petition is allowed. The order dated as contained in order dated 15.07.2005, as contained in Memo No. 21581 (Annexure-3), order dated 03.11.2005, D.O. No. 2631/05 (Annexure-4) and order dated 07.01.2011, as contained in Memo No. 63 (Annexure-7) are set aside.

The matter is remitted to the Disciplinary Authority to pass order afresh in accordance with law within two months from the date of presenting this order.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2017
Transmission Date	NA

