

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14273 of 2016

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Mukesh Kumar, Son of Durga Das, Resident of Village- Singhaura, P.O. Singhaura,
P.S- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna.
5. The Officer on Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 14603 of 2016

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Dheeraj Kumar, Son of Uday Kumar Sharma, Resident of Village - Koshi College
Road, Khagaria, Post - Koshi College, Thana - Chitragupta Nagar, District -
Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Arwal.
4. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna.
5. The Officer on Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 14608 of 2016

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Pankaj Paswan, Son of Satyanarayan Paswan, Resident of Village - Salarpur, Post -
Salarpur, Thana - Daniyawa, District -Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Arwal.
4. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna.
5. he Officer on Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 14626 of 2016

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Veer Kumar, Son of Babulal Raut, Resident of Joghan Bigha, Post - Pirbarona,
Thana- Daniawa, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna.
5. The Officer On Special Duty, Central Selection Board (Constable Recruitment), Bihar, Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 14695 of 2016

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Awadhesh Prasad, S/o Faujdar Sah, Resident of Village- Tiwari Bagahawan, P.O.
Sisai, P.S. Bhore, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Bagha.
4. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna.
5. The Officer on Special Duty, the Central Selection Board (Constable Recruitment), Bihar Patna.

.... Respondent/s

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Appearance :

(In CWJC No.14273 of 2016)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv. with
Rajeev Kumar Singh

For the Respondent-State : Mr. Prabhat Kumar Verma, AAG-3

For the Respondent-CSBC: Mr. Sanjay Pandey, Advocate
Mr. Binod Kumar Mishra, Advocate
Mr. Vivek Anand Amritesh, Advocate

(In CWJC No.14603 of 2016)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv. With
Mr. Rajeev Kumar Singh, Adv.

For the Respondent-State : Mr. Sheo Shankar Prasad, SC-8
Mr. Sanjay Kumar, AC to SC-8

For the Respondent-CSBC: Mr. Sanjay Pandey, Advocate
Mr. Binod Kumar Mishra, Advocate

(In CWJC No.14608 of 2016)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv. with
Mr. Rajeev Kumar Singh, Adv.

For the Respondent-State : Mr. Partha Sarthi, GA-4

For the Respondent-CSBC : Mr. Sanjay Pandey, Advocate
Mr. Binod Kumar Mishra, Advocate

(In CWJC No.14626 of 2016)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv. With
Mr. Rajeev Kumar Singh, Adv.

For the Respondent-State : Mr. Md. Nashrul Hoda Khan, SC-1

For the Respondent-CSBC : Mr. Sanjay Pandey, Advocate



Mr. Binod Kumar Mishra, Advocate

(In CWJC No.14695 of 2016)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv. With
Mr. Rajeev Kumar Singh, Adv.

For the Respondent-State : Mr. Md. Nadeem Seraj, GP-5
Mr. Dhurendra Kumar, AC to GP-5

For the Respondent-CSBC : Mr. Sanjay Pandey, Advocate
Mr. Binod Kumar Mishra, Advocate
Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard Mr. Rajendra Prasad Singh, learned senior counsel appearing for the petitioner in all the writ petitions, learned counsel appearing for the State in each of the writ petitions and Mr. Sanjay Pandey, learned counsel appearing for the Central Selection Board (Constable Recruitment).

Since the grievance of the petitioner in each of the writ petitions is the same hence all these matters have been heard analogous and are being disposed of with the consent of the parties at the stage of admission itself.

The petitioners have questioned their respective order of suspension and have also complained that they are not being paid their subsistence allowance.

The records of the proceedings would confirm that the allegation levelled against all the petitioners is of impersonation in appointment to the police service. Although the petitioners have denied the allegation but it is the admitted position that for the said allegation, a police case has been instituted against the petitioners and alongside a departmental proceeding has also been instituted.



In the circumstances discussed and in the nature of allegation which faces the petitioners for the present I am not persuaded to interfere with the order of suspension. Nonetheless rule 10 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as ‘the Rules’) provides for payment of subsistence allowance to a Government servant facing suspension. In the circumstances the grievance of the petitioners regarding non-payment of subsistence allowance appears to be prima-facie genuine.

The writ petitions are accordingly disposed of with a direction to the Superintendent of Police of the district concerned to take proper steps not only for concluding the disciplinary proceeding in accordance with law with due opportunity of hearing to the petitioner(s) expeditiously and preferably within a period of six months from the date of receipt/production of a copy of this order but also to dispose of the grievance of all the petitioners regarding non-payment of subsistence allowance bearing in mind the stipulation present at rule 10 of ‘the Rules’ which should be disposed of in accordance with law within four weeks from the date of receipt/production of a copy of this judgment.

These writ petitions are disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-05-2017
Transmission Date	NA

