

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.133 of 2012

In

Civil Writ Jurisdiction Case No.4472 of 2011

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1. The State Of Bihar Through The Secretary Home Department, Bihar, Patna
 2. The Director General Of Police, Bihar, Patna
 3. The Inspector General Of Police, Bihar, Patna
 4. The Deputy Inspector General Of Police, Personnel, Patna
 5. The Senior Superintendent Of Police, Patna
 6. The Superintendent Of Police, Patna
 7. The Deputy Superintendent Of Police, Ara
 8. The Inspector Of Police, Ara
 9. The Officer In-Charge, Udwant Nagar, Bhojpur, Ara

... .. Respondents-Appellant/s

Versus

Dharmendra Kumar, S/O Ram Pravesh Singh, R/O Village- Masarah, P.S.-
Udwantnagar, Distt.- Bhojpur.

... .. Petitioner- Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Sinha, G.A.-10
		Ms. Aditi Hansaria, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-09-2017

Seeking exception to an order dated 28.07.2011 passed by the
Writ Court in CWJC No.4472 of 2011, this appeal has been filed
by the State Government under Clause 10 of the Letters Patent.



The issue involves suppression of facts with regard to his involvement in a criminal case by the writ petitioner- respondent herein, while seeking appointment in the Police Department as a Sub-Inspector of Police.

We have heard learned counsel for the parties and have considered the law laid down by the Supreme Court in the case of **Avtar Singh Vs. Union of India & Ors., (2016) 8 SCC 471**, but on analyzing the facts and circumstances of the case, we find that with regard to the issue in question even before the police verification took place in July-August, 2008 with regard to involvement of the petitioner in the criminal case, he had already been acquitted of the charges on 30th April, 2008 and at the time of police verification itself it was found that he had been acquitted of the charges and Annexure-4 to the writ petition is the order of acquittal where the respondent- employee has been acquitted of all the charges. That apart, it is seen that the incident for which he was prosecuted took place more than six years back.

Taking note of all these circumstances, the learned Writ Court directed for his issuing appointment order to him and we are informed that he has been issued with an appointment order in the year 2012 and has been working for the last more than five years without any adverse report with regard to his working.



Taking all these circumstances and keeping all the legal issues open to be raised in an appropriate case as and when arises, no interference to be made in the backdrop of the peculiar facts of the case that have come on record, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
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