

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1875 of 2015
IN
Civil Writ Jurisdiction Case No. 9438 of 2011**

- =====
1. The State of Bihar
 2. The Director General of Police, Bihar, Patna.
 3. The Inspector General of Police, Railway, Patna.
 4. DIG, Railway, Bihar, Patna.
 5. DIG, Rail Zone, Bihar.
 6. Superintendent of Police, Railway, Patna.

.... Appellant/s

Versus

Sidheshwar Rai Son of Late Parma Rai Resident of Village and Post Office -
Dhanchhuha, P.S. - Chawei, District - Bhojpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar, AC to GA-11
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 25-01-2017

Though the Court is not convinced with the reason assigned in paragraph 3 of the condonation application, but in the interest of justice, I.A. No. 8442 of 2015 is allowed. The delay of 215 days is condoned.

2. Heard the counsel for the appellants and perused the order of the learned Single Judge.

3. In totality of the facts and circumstances, learned Single Judge has rightly come to a conclusion that it was one of those cases where punishment of dismissal ought to be revisited may be



compulsory retirement etc.

4. The ball is in the Court of Appellate Authority to deal with the matter, especially when the learned Single Judge has not interfered with the decision and the finding of guilt of the private respondent and necessity of some punishment.

5. Since a wide platform of discretion in decision making has been given to the appellants, Court is not inclined to interfere with the impugned order dated 10.12.2013 passed in C.W.J.C. No. 9438 of 2011.

6. The appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
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