

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22032 of 2012

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Kumari Manisha D/O Shri Pratap Narayan Tiwari R/O Vill.- Kundwa Chainpur,
P.S.-Kundwa, Chainpur, Distt.- East Champaran

.... Petitioner/s

Versus

1. The Union Of India Through Secretary Ministry Of Home Affairs, Govt. Of India, New Delhi
2. The Director General, Sashitra Seema Bal Ministry Of Home Affairs, Govt. Of India, New Delhi
3. The Inspector General, Fir Hqrs., Sashtra Seema Bal (Ssb) Hqrs. Bailey Road, Patna
4. The Deputy Inspector General, Sector Head Quarter Ssb, Purnea, Bihar
5. The Assistant Director (Pero-Ii), Fhq, New Delhi
6. The Commandant, 24th Bn., Ssb Bathnaha, P.O.- Bathnaha (Pin 854316), Distt.- Araria
7. Shri Vishal Bhalla, Assistant Commandant Recording Officer Ssb, Office Of The Commandant, 28th Bn., Araria, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.

For the Respondent/s : Mr. Anshuman Singh, CGC, UOI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the petitioner and counsel for the
State.

In the present case, the petitioner was posted as G.D. (Mahila) Constable in S.S.B. posted at Bathnaha, Araria attached with 24th Battalion. The petitioner was firstly selected as Constable and attached with 19th Batallion but, later on, she was transferred to the 24th Battalion, was serving at Bathnaha. For various misconducts, the proceeding was initiated about her behavior of always remaining in an inebriated condition and ultimately the impugned order has been passed. The petitioner filed an appeal before the appellate authority, namely, Deputy Inspector General,



S.H.Q., SSB, Purnia, Bihar who, vide order dated 20.9.2012 rejecting the appeal of the petitioner by a cryptic order.

In the considered opinion of this Court, the appellate authority was required to consider the facts as well as law and, thereafter, he could have passed the order after dealing with the grounds taken in the memo of appeal so much so the order must reflect application of mind as the appellate authority discharges a quasi judicial function but, in the present case, the order itself suffers from inherent defect of having not disclosed reasons dealing with the case of the petitioner and the appellate authority has rejected the appeal by a cryptic order.

In that view of the matter, the order dated 20.9.2012 is set aside and the matter is remanded back to the appellate authority who, after giving fair hearing to the petitioner, will pass a reasoned order in accordance with law.

With the aforementioned observation and direction, this application is allowed to the extent indicated above.

This Court is not giving any order for reinstatement of the petitioner.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2017
Transmission Date	NA

