

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1521 of 2012

IN

Civil Writ Jurisdiction Case No. 10869 of 2010

- =====
1. The State Of Bihar Through The Director General Home Guards Battallion, Government Of Bihar, Patna
 2. The Commandant, Bihar Home Guards Battalion, Chajjubagh, Patna
 3. The District Magistrate, Kaimur At Bhabhua
 4. The District Commandant, Bihar Home Guards Battallion, Rohtas-Cum-Kaimur At Bhabhua

.... Appellant/s

Versus

Amar Nath Singh S/O Late Algu Singh R/O Village-Majhare, P.S.- Mohania,
District-Kaimur At Bhabhua

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.P.N. Shahi, AAG-6
Mr. Mritunjay Kumar, AC to AAG-6
For the Respondent/s : Mr. Sourendra Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-10-2017

On account of the fact that the employee concerned herein was proceeded against a punitive action taken against him without conducting proper enquiry, learned Writ Court has remanded the matter back to the Department to proceed afresh, in accordance with law. Merely because the respondent employee is a member of the voluntary force i.e. Home Guard and a Constable as the order dismissing him from service is based on the acts of



commission and omission and is punitive in nature, learned Writ Court in holding that action taken behind his back without granting him reasonable opportunity is unsustainable, has not committed any error in remanding the matter back to the authority concerned. We see no error in the order passed by the learned Writ Court warranting interference.

The appeal stands disposed of with liberty to the State Government to proceed, in accordance with law, based on the liberty granted by the learned Writ Court.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

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