

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14586 of 2008

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Santosh Yadav s/o Sri Baijnath Yadav, r/v – Chakki (Laxaman Dera) P.s. –
Brahampur, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Director General of Police-cum-Inspector General of Police, Bihar, Patna
3. I.G., B.M.P., Bihar, Patna
4. D.I.G., B.M.P., Kendriya Mandal, Patna
5. Commandant B.M.P.-4, Dumraon-cum-S.P. Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. EBRAHIM KABIR, Adv.
Ms. Shruti Singh

For the Respondent/s : Mr. Anuj Kumar (AC to SC-8)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 23-01-2017

Heard both sides.

The petitioner by this writ petition sought for quashing of force order no. 48 dated 24.06.2008 issued by the Superintendent of Police, Buxar-cum-Commandant, Bihar Military Police-4 Dumraon as contained in Annexure -1.

The relevant facts are that an advertisement no. 2/2004 was issued inviting the application for appointment on the post of Constable in Bihar Military Police. The petitioner applied for appointment on the post of Constable and he was called upon for



physical and written test vide Roll no. 29390. The petitioner became successful in physical and written test and consequently, he was appointed on the post of Constable vide force order no. B.M.P.-4 on 02.07.2007. The petitioner completed his training, but all of a sudden his service was terminated vide force order no. 48 dated 24.06.2008 on the ground that the petitioner concealed his criminal antecedent in his application filled up for appointment for the post of Constable.

The counter affidavit has been filed and it is stated that the petitioner concealed about his criminal antecedent and his appointment was subject to the police verification. The police verification shows that Muzaffarpur University, P.S. Case No. 09/2002 was registered against him on 14.09.2002 under different sections of the Indian Penal Code and petitioner was declared absconder. The order of attachment also made under Sections 82 and 83 of the Cr. P.C. The petitioner appeared in the court and got bail before filling up the form annexure-B series for appointment to the post of Constable, but the petitioner knowingly and intentionally concealed his criminal antecedent. The Sub-Divisional Officer lodged Dumraon P.S. Case No. 120/2002 for issuance of such forged caste certificate and also sent a report to the Commandant C.R.P.F., Muzaffarpur who also lodged Muzaffarpur University P.S. Case No. 02/2002.



Learned counsel for the petitioner submits that no notice was issued to the petitioner asking any show-cause before issuance of the order of termination of annexure – 1. The order of termination is violation of principle of Natural Justice. Petitioner is acquitted in Dumraon P.S. Case No. 120/2002 on 31.10.2013.

It is evident that the petitioner applied for appointment on the post of Constable in B.M.P. in pursuance of advertisement no. 2/2004. The petitioner concealed his criminal antecedent in the application form. The appointment of the petitioner was made subject to the police verification. On receipt of police verification report, it transpired that the petitioner was an accused in Muzaffarpur University P.S. Case No. 09/2002 and he was absconder. The petitioner has applied for appointment on the post of Constable in C.R.P.F. along with one Awadhesh Kumar who produced caste certificate that he belonged to Scheduled Caste. The caste certificate was sent for verification to the Sub-Divisional Officer, Buxar who is said to have issued the same, but on verification it was found that the caste certificate of the petitioner was never issued by the Sub-Divisional Officer, Buxar and the caste certificate was forged.

The petitioner knowingly and intentionally tried to get job of Constable in C.R.P.F. on the basis of forged Caste Certificate, but when he did not succeed, he concealed his criminal antecedent for



appointment on the post of Constable in B.M.P. in the year 2004. The appointment of the petitioner was subject to police verification and accordingly after receipt of police verification the appointment of the petitioner was cancelled.

Therefore, I do not find any merit in this writ petition.

Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J.)

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