

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18512 of 2014

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1. Girijesh Kumar Son of Sohan Singh@Mohan Singh R/O Vill-Khabhaini,P.S-
Rampur Chauram,Distt.-Arwal Petitioner

Versus

1. The Union of India
2. The Inspector General of Police, Central Reserve Police Force, Rajsthan Sector,
Kendriya Sadan, Block-B ,Sector-10,Vidhyadhar Nagar, Jaipur, Rajsthan
3. The Deputy Inspector General of Police,Group Centre ,Central Reserve Police
Force, Mokama Ghat ,Patna.
4. The Commandant, 14BN, Central Reserve Police Force, C/O; A.P.O. Gagan,
Sophiya, Jammu & Kashmir Respondents

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Appearance :

For the Petitioner : M/S Sanjay Kumar & Kishore Kumar Thakur, Advs.
For the Respondents : Mr. Anjany Kumar Sharan, ASG

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 16-10-2017

Hard Mr. Kishore Kumar Thakur, the learned counsel appearing for the petitioner, and Mr. Anjani Kumar Sharan, the learned counsel appearing on behalf of the Union of India.

2. With the consent of both the sides, this writ petition is disposed off at the admission stage itself.

3. The facts, in brief, is that the petitioner was appointed as Constable in Central Reserve Police Force on 14.04.2011. The petitioner was served with a show cause notice, dated 08.07.2013, that the petitioner concealed the fact that a criminal case being Rampur Chauram P.S. Case No. 48 of 2010, dated 17.12.2010, was pending against him. The charge was submitted on the ground that the petitioner concealed relevant fact at the time of his appointment. The service of the petitioner was terminated. The petitioner filed C.W.J.C. No. 622 of 2014 and a Single Bench of this Court, vide order, dated 17.01.2014, dismissed the writ petition as devoid of merit, but, at the same time liberty was given to the petitioner to prefer



appeal before the appellate authority. The petitioner preferred appeal before the Inspector General of Police, Central Reserve Police Force, Rajasthan Sector, respondent no. 2, and respondent no. 2 vide order, dated 14th July, 2014, dismissed the appeal of the petitioner. The petitioner assailed the order of the said appellate authority in the present writ petition.

4. Sri Kishore Kumar Thakur, the learned counsel appearing for the petitioner submits that the petitioner was given liberty to file appeal before the competent authority and the appellate authority should have considered the facts that the petitioner did not conceal any material facts in his application form about his criminal case. The petitioner had no knowledge about the pendency of the criminal antecedent. It is, further, submitted that the case was registered under Section 212 of the Indian Penal Code, which is a bailable offence and is of petty nature, for that such harsh punishment of dismissal should not have been passed.

5. On the other hand, the learned counsel for the Union of India submitted that earlier the Single Bench of this Court has held in paragraph 5 of the order, passed in C.W.J.C. No. 622 of 2014 “I do not find any infirmity with the impugned order which has been passed in the background of facts noted above. This application is accordingly dismissed”. It is submitted that the Court did not even observe to take lenient view on the facts and circumstances of the case, since, the petitioner had not moved before the appellate forum, he was allowed to move before the appellate authority against the order, but, the Court had



expressed and recorded finding that the termination order does not suffer any illegality.

6. Having considered the submissions of both the sides, I find that against the order of termination the petitioner moved before this Court in C.W.J.C. No. 622 of 2014 and this Court dismissed the writ petition of the petitioner holding that the order of termination does not suffer any illegality or infirmity. The appellate authority also dismissed the appeal. Therefore, I do not think it proper to go into the merit of the case, once again, which had already been concluded by dismissing the writ petition of the petitioner on earlier occasion.

7. Accordingly, the writ petition is **dismissed**.

(Prabhat Kumar Jha, J)

SA/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.11.2017
Transmission Date	N/A

