

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2101 of 2016

In
Civil Writ Jurisdiction Case No.1969 of 2014

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Sheikh Masalauddin Son of Late Sheikh Dostogi Resident of village - Sahinaon, P.O.
- Babhnaul, P.S. - Dawat, District - Rohtas.

... .. Appellant

Versus

1. The State of Bihar through the Director General and Inspector General of Police, Bihar, Old Secretariat, Patna.
2. The Inspector General of Police, Bhagalpur Zone, Bhagalpur.
3. The Deputy Inspector General of Police, Munger Range, Munger.
4. The Superintendent of Police, Begusarai.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Khatim Reza
For the Respondent/s : Mr. PRABHAT KR. VERMA- AAG3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 19-12-2017

Delay of 11 days is condoned. I.A. No. 8744 of 2016 is allowed. Matter is thereafter taken up on merits. The appeal has been preferred against the order dated 17.08.2016.

The present appellant came to be dismissed from service. The dismissal order was necessitated because it was a self-inflicted injury. In 32 years of so-called service, the appellant went missing for long periods without sanction or authorization of the superior authorities 41 times. The indulgence and magnanimity shown to the appellant from time to time only emboldened him to continue with his conduct and behaviour. Obviously, the heart of the petitioner did not lie in serving a disciplined force, but his



commitment was somewhere else. Indulgence was given by the authorities but that was taken as a right for continued aberration which obviously is a reflection on the indiscipline which the appellant was indulging in.

Since the appellant belong to the police force any further indulgence would have been detrimental to the discipline of the force and that no clear explanation coming for such repeated aberration, the order of dismissal cannot be said to be shocking to the conscience which requires any interference or reward the appellant by directing the respondents to convert the order of dismissal into compulsory retirement so that he can enjoy his post retirement without serving the department honestly and faithfully.

The facts of the case being such, we are not moved that the learned single Judge has committed some error by dismissing the writ application and refusing to interfere with the order of punishment.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

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