

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9171 of 2017**

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1. Murari Prasad Chaudhary, Son of Late Sita Ram Chaudhary, resident of Village- Bagri, Post Office- Chorhar, P.S.- Kharik Bazar, Dist.- Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home Affairs, Government of Bihar, Patna.
2. The Additional Secretary Department of Home (Police Branch), Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Old Secretariat Building, Patna.
4. The Inspector General of Police, Darbhanga Zonal I.G. Darbhanga.
5. The Deputy Inspector General of Police, Purnia Range, Purnia.
6. The Superintendent of Police, Araria.
7. The Superintendent of Police, Araria.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ambuj Nayan Chaubey

For the Respondent/s : Mr. Sheo Shankar Prasad- Sc8

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      07-02-2018

The learned counsel for the petitioner and the respondents are in agreement that the present case is covered by the judgment dated 21.02.2017 passed in C.W.J.C. no. 15089 of 2016 inasmuch as, in the present case also, the Inquiry Officer and the Presenting Officer are one and the same person which is not permissible under the law.

Accordingly, the order dated 16.02.2013 passed by the Superintendent of Police, Araria whereby and whereunder, it has been recommended that the petitioner should be dismissed from service and the order dated 25.03.2013 passed by the Deputy



Inspector General of Police, Purnea Region, Purnea whereby and whereunder, the punishment of dismissal has been inflicted on the petitioner herein as well as the appellate order dated 13.01.2014 are hereby set aside and the respondents are given liberty to proceed in accordance with law.

Consequently, the order dated 03.11.2016 passed by the Additional Secretary, Department of Home (Police Branch, Government of Bihar, Patna) also fails and is quashed.

In view of the aforesaid, the writ petition is allowed, however with a liberty to the respondents to proceed further in accordance with law.

It goes without saying that any consequential benefit to which the petitioner is entitled, shall be paid to the petitioner herein within a period of four weeks from today.

**(Mohit Kumar Shah, J)**

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