

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19887 of 2014

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Anil Kumar Singh Son of Dev Nandan Prasad Singh, Resident of Village- Lakho,
P.S.- Muffasil, District- Begusarai

.... **Petitioner**

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. D.G. of Police, Bihar, Patna
3. I.G., Darbhanga Zone, Darbhanga
4. D.I.G., Darbhanga Range, Darbhanga
5. S.S.P. Darbhanga
6. S.P. Nalanda

.... **Respondents**

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Appearance :

For the Petitioner : Mr. Ebrahim Kabir, Advocate and
Shruti Sinha, Advocate

For the Respondents : Mr.Subodh Kumar, AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 03-07-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks quashing of order dated 3.9.2012,
passed by the Superintendent of Police, Nalanda by which he has
been dismissed from the service of constable posted at Bhalpatti
Outpost on 9/10.6.2008. He has also challenged the appellate order
dated 7.1.2013, by which his appeal against the said dismissal order
has been rejected by the DIG, Darbhanga Range, Darbhanga.

It is submitted by learned counsel for the petitioner that
the findings are vitiated on the ground of procedural lapses as the



petitioner was not given an opportunity to cross examine the prosecution witnesses or to produce his defence witness. Even, the allegations made in the charge memo have not been communicated to him by the Enquiry officer. A copy of the enquiry report was not served to him. Conclusion based on such procedure having the consequence of dismissal from service, are thus not sustainable in law.

On going through the records of the case including the petitioner's response to the second show cause which is at Annexure 4 to the writ petition, it is clear that other than denying the allegations and saying that the allegations are false, petitioner has not raised any of the issues being raised in Court today, before the authorities. He has only submitted that the proceeding may not continue since a criminal trial is pending against him in the matter.

There is no whisper in the second show cause reply that a copy of the enquiry report was not served on him or he was denied the opportunity to cross examine the three witnesses which have been considered by the Enquiry officer during enquiry. It appears that these grounds have been taken by the petitioner as an after thought for the first time in the writ petition, though he participated in the departmental proceedings on his own volition



without raising such objections which is evident from the second show cause also.

In the circumstances, this Court finds no ground to interfere in the matter. The writ petition is devoid of merit and it is accordingly dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
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