

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7186 of 2017

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Anil Kumar Singh Son of Shri Ramdeo Singh, Resident of Village- Chaugari kala,
P.S.- karkat (Godari), District- Rohtas (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Home Secretary Government of Bihar, Secretariat Patna.
3. The Director General of Police, Government of Bihar, Secretariat Patna.
4. The Deputy Inspector General of Police, Shahabad Zone at Dehari on Sone.
5. The Superintendent of Police, Buxar.
6. The Inspector Dumaraon-Cum-Enquiry Officer, District Buxar.
7. The Inspector Cum S.H.O. Buxar Town Police Station, Buxar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7480 of 2017

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Arun Kumar Singh @ Arun Kumar S/o Late Chandradev Singh, Resident of
Village-Bharsaunta (Gandhi Nagar), P.S.-Haldi, District-Baliya (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Home Secretary Government of Bihar, Secretariat Patna.
3. The Director General of Police, Government of Bihar, Secretariat Patna.
4. The Deputy Inspector General of Police, Shahabad Zone at dehari on Sone.
5. The Superintendent of Police, Buxar.
6. The Inspector Dumaraon-cum-Enquiry Officer, District Buxar.
7. The Inspector Cum S.H.O. Buxar Town Police Station, Buxar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7579 of 2017

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Jitendra Kumar, Son of Banarasi Choudhary, Resident of Village-Chhoti Baliya,
Police Station-Lakhminia, District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Shahabad Range, Dihri-on-Sone
4. The Superintendent of Police, Buxar



.... Respondent/s

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Appearance :

(In CWJC No.7186 of 2017)

For the Petitioner/s : Mr. Banwari Sharma, Advocate

For the Respondent/s : Mr. Partha Sarthi- GA-4

Mr. Anupam Kumar, AC to GA-4

(In CWJC No.7480 of 2017)

For the Petitioner/s : Mr. Banwari Sharma, Advocate

For the Respondent/s : Mr. Ravi Verma, AC to GP-4

(In CWJC No.7579 of 2017)

For the Petitioner/s : Mr. Manish Kumar No.13, Advocate

Mr. Rohit Kumar, Advocate

For the Respondent/s : MD. N.H. Khan- SC-1

Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-07-2018

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

In all the three cases, common issues have been raised and with the consent of the parties all the cases are being heard together and disposed of at the admission stage by this common order.

For convenience, the facts of case of CWJC No. 7186 of 2017 are taken into consideration, whenever there will be need the Court may take help of the facts mentioned in another writ petition.

In the present case, petitioner is challenging the order vide memo no. 2016 dated 06.07.2016 (Annexure 3) issued by the Superintendent of Police, Buxar, whereby and whereunder he has dismissed from service. Against the same, petitioner filed appeal before the Deputy Inspector General of Police, Shahbad Range, Dihri-



on-Sone which was rejected vide memo no. 1638 dated 18.10.2016.

An interlocutory application vide I.A. No. 5310 of 2018 has been filed by the petitioner by which he has challenged the order passed in memorial by Director General of Police vide Memo No. 4532/L-1 dated 11.04.2017.

The brief facts of the case are that the petitioner entered into service of Bihar Police Force, was discharging the duty of constable to the satisfaction of all superior. While posted in Buxar town on 24.05.2016, the petitioner and other police force had gone to pacify the agitating students outside the police station but subsequently the Officer Incharge-cum- Inspector of Police, sent a report to the Superintendent of Police, Buxar on 02.06.2016 stating therein that had come to know that on 24.05.2016 the petitioner alongwith his other colleagues had conducted a raid in the house of one Bablu Chaudhary where gambling was going on, had apprehended two persons including one Rajendra Verma but he was released by the police after receiving the illegal gratification of Rs. 1,50,000/- led to suspension of petitioner and others, later on they made confessional statement, SDPO submitted a report dated 04.06.2016 whereafter a proceeding was initiated against the petitioner and his other associates. The inquiry proceeding was conducted and ultimately the petitioner and his colleague have been dismissed from services. One Dharmendra



Kumar who was Inspector of Police was also member of raiding party, was also put under suspension, later on, he was also proceeded departmentally ultimately dismissed from the service. His appeal and memorial were also rejected, the same was challenged in CWJC No. 470 of 2018 and this Court vide judgment and order dated 27.06.2018 quashed the order of disciplinary authority passed against Dharmendra Kumar.

Learned counsel for the petitioner submits that the case of the petitioner and Dharmendra Kumar are completely identical, as all were members of raiding party, raided the premises and illegal money was received by them and the extorted money was distributed to each of member of raiding party. This Court has allowed the writ petition on technical ground that the enquiry officer has not been conducted properly as basic procedure of the quashi judicial proceeding has not been followed, as in the present case no witness has been examined from the side of prosecution, merely on the report of the Higher Authority that too was not proved by the author of document has not been examined. Each of the member of raiding party has been awarded the same punishment. This Court has set aside the order of punishment in the case of Dharmendra Kumar, as the matter is identical and this Court also finds that same irregularities have been committed by the Enquiry Officer, suffers from inherent defects, in



such circumstances, the order of punishment dated 06.07.2016 and order of appeal dated 18.10.2016 as well as the order passed vide memo number 4532/L-1 dated 11.04.2017 are quashed. However the matter is remanded back to the competent authority and the competent authority, is at liberty to proceed with the matter.

Accordingly the order of punishment dated 03.06.2016 and order of appeal dated 18.10.2016 passed in vide C.W.J.C. No. 7579 of 2017 are quashed.

Accordingly the order of punishment dated 06.07.2016 and order of appeal dated 04.01.2016 passed in C.W.J.C. No. 7480 of 2017 are quashed.

Accordingly all the writ petitions are allowed and petitioner will be granted the same benefits which have been granted to other.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	NA

