

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9969 of 2013

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1. Ajay Kumar Singh S/O Late Chandradeep Singh R/O Village-
Tekanpura, P.S. Navkothi, District- Begusarai

.... Petitioner/s

Versus

1. State Of Bihar
2. Director General-Cum-Inspector General Of Police, Bihar, Patna
3. Inspector General Of Police, Munger Range, Munger
4. Deputy Inspector General Of Police, Munger
5. Superintendent Of Police, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Ajay Thakur, Praveen Kumar &
Swati Sinha

For the Respondent/s : Mr. Madhukar Mishra, AC to SC 16

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-08-2018 In short, the issue raised by the Counsel appearing for the petitioner is that prima facie from a bare reading of Order No. 6 of 2013 issued on 4.1.2013 vide Memo No. 28 passed by the Superintendent of Police, Begusarai it is apparent that no opportunity has been given to the petitioner before treating the period of 228 days' alleged absence as extra ordinary leave.

Counsel for the petitioner submits that the petitioner was absent for some period on account of illness for which he had given application before the authorities. The issue could have been examined if any show cause notice was issued to the petitioner allowing him to show reasons for his absence and the actual period during which he would be considered as unauthorisedly absent. Since no such opportunity has been given and in spite of filing of a counter affidavit there is no such assertion that prior to issuance of Order No. 6 of 2013 the petitioner was given any opportunity, this Court is left with no



option than to quash the order No. 6 of 2013 issued by the Superintendent of Police, Begusarai.

The petitioner may submit his proof in support of his leave application and the materials that he proposes to produce before the Superintendent of Police, Begusarai, who shall take a decision in the matter and consider the petitioner's claim for regularizing the period of absence in accordance with law. The petitioner, if he is keen to avail of the liberty granted should approach the Superintendent of Police, Begusarai within a period of four weeks from today. The consequential benefit of the petitioner shall abide by the final decision to be taken by the Superintendent of Police Begusarai.

The writ petition is allowed.

(Madhuresh Prasad, J.)

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