

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.950 of 2017

Nisha Kumari aged about 25 years, D/o Arbind Prasad Mandal, Resident of Village- Athgama, P.O.- Shankarpur, P.S.- Sasour, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police-cum-I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Saran Range, Saran.
4. The S.P. of Saran (Chapra).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1334 of 2017

Nirmal Kumar aged about 23 years, son of Devanand Singh, resident of Village+ P.O.- Bhadaur, P.S.- Havelikhargpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police-cum- I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Saran Range, Saran.
4. The S.P. of Saran (Chapra).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1356 of 2017

Sanjay Kumar aged about 23 years, son of Sudarshan Singh, resident of Village+PO+PS- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police-cum-I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Saran Range, Saran.
4. The S.P. of Saran (Chapra).

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 950 of 2017)

For the Petitioner/s : Mr. Ranjit Jha
For the State : Mr. Manoj Kumar, AC to GP4
Mr. Harishanka Roy, AC to AG

(In Civil Writ Jurisdiction Case No. 1334 of 2017)

For the Petitioner/s : Mr. Ranjit Jha
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(In Civil Writ Jurisdiction Case No. 1356 of 2017)



For the Petitioner/s : Mr. Ranjit Jha
For the State : Mr. Manoj Kumar, AC to GP4
Mr. Harishanka Roy, AC to AG

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 19-06-2018

Heard learned counsel for the parties.

In the present cases, the petitioners have made a prayer to stay the departmental proceeding no. 97 of 2015 till disposal of the criminal case.

It appears that the petitioners had made an application against the Advt. No. 01/2014 for being appointed as Constable. After successful completion in the written and physical test, the petitioners were appointed. Later on, it was transpired that they got their entry in the service through impersonation of certain persons who have appeared for the written examination which led to lodging of the First Information Report registered as Chapra Town P.S. Case No. 356 of 2015 (Annexure-5) wherein it has been mentioned that the petitioners have made entry on the post of Constable through illegal method and manner, liable for the criminal prosecution. After institution of the criminal case, the petitioners were arrested and put behind the bar but, have been released on bail. At the same time, the Department has initiated a departmental proceeding against all the persons.

Learned counsel for the petitioners submits that the matter is lingering in the criminal court as well as the departmental



proceeding, the petitioners are nowhere and, as such, either the departmental proceeding be kept in abeyance or the competent authority should conclude the departmental proceeding at the earliest.

In view of the fact that the allegation has been made against the petitioners to have entered in service in impersonation which is a serious misconduct and certainly they will be liable not only to face prosecution under the criminal law but, also they will have to face departmental proceeding. As the departmental proceeding has already been initiated, this Court directs the authority concerned to conclude the departmental proceeding at the earliest preferably within a period of eight months from the date of receipt/production of a copy of this order.

It is also made clear that this upper limited will be applicable subject to the cooperation extended by the petitioners.

With the aforementioned observation and direction, all these writ applications are disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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