

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20441 of 2010

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Ahmad Raza S/o Late Md. Nuruddin at Present Sergeant, Police Line,
Jehanabad at P.S.-+Distt.- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. The Director General Board Bihar through Director General of Police,
Bihar, Patna
3. The Director General of Police Bihar, Patna
4. The Deputy Inspector General of Police Champaran Range, Bettiah
5. The Superintendent of Police, Jehanabad

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Md. Najmul Hodda, Advocate
Mr. Rajeev Kumar Singh

For the Respondent/s : Mr. Arvind Ujjwal, SC-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-07-2018 The present writ petition has been filed for quashing the

order dated 09.12.2010 whereby and where under the petitioner

has been compulsorily retired with effect from 31.12.2010.

The learned senior counsel appearing for the petitioner has
raised a short point for consideration to the effect that under Rule
14 of the Bihar Government Servant (Classification, Control &
Appeal) Rules, 2005, compulsory retirement is a major penalty,
hence a regular departmental proceeding is required to be
conducted in accordance with Rule 17 of the said Rules, 2005.

Admittedly, in the present case no regular departmental



proceeding or enquiry has been held and only upon giving a show cause notice to the petitioner and seeking his reply, the impugned order of compulsory retirement dated 09.12.2010 has been passed which is not permissible in the eyes of law. On the said short point, the order of punishment whereby and where under the petitioner has been compulsorily retired i.e. the one dated 09.12.2010 is liable to be quashed. Accordingly, the order dated 09.12.2010 contained in Memo No. 684 is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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