

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5169 of 2004

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Mundrika Prasad, son of Sri Ratan Singh, resident of village – Bardih, P.O.
Bardih, P.S. Islampur, District – Nalanda.

.... Petitioner

Versus

1. The Union of India represented through Secretary of Home, Government of India, New Delhi.
2. The Commandant 118 BN C.R.P.F. Sector 39, Chandigarh (U.T.)
3. Deputy Inspector General of Police, Special Range, C.R.P.F. Old Secretariat, New Delhi.
4. Inspector General of Police, Bihar Sector, C.R.P.F., Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar, Advocate

For the Respondent/s : Mr. Anjani Kumar Sharan, A.S.G.
Mr. Manoj Kumar Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. **13-02-2018** Heard learned counsel for the petitioner and
learned Assistant Solicitor General of India (C.R.P.F.).

The petitioner in the present case is seeking quashing of the impugned order dated 29.05.2003 passed by the Inspector General of Police, Bihar Sector, C.R.P.F. Patna by which the Inspector General of Police rejected the revision petition preferred by the present petitioner and confirmed the order dated 28.09.1998 passed in appeal No. XIII-MP (118/1998 Estt-3) by the Deputy Inspector General of Police, C.R.P.F. Special Range, New Delhi, who had in turn confirmed the order of removal of the petitioner from service passed by the Commandant, 118-BN-C.R.P.F. The order of removal was passed under



Section 11(1) of C.R.P.F. Act, 1949 read with Rule 15 of C.R.P.F. Rules.

Learned counsel for the petitioner submits that even though the second marriage during the life time of the first wife is an admitted fact but in view of the acquittal in the criminal case by virtue of a compromise/settlement reached between the parties, it may be a ground for interference with the order of punishment.

Mr. Anjani Kumar Sharan, learned Assistant Solicitor General representing the Union of India submits that in view of the settled judicial pronouncements in the case of **The Union of India & Ors. vs. Pramod Kumar Yadav** reported in **2003 (3) PLJR 690** followed subsequently by another Division Bench of this Court in the case of **Union of India & Ors. vs. Subodh Kumar** reported in **2003(4) PLJR 207**; there is no scope of interference with the order of punishment. He has placed before me a recent judgment of the Hon'ble Division Bench of this Court passed in Letters Patent Appeal No. 1502/2013 decided on 23.11.2017 and submits that the legal position as stated above stands confirmed by the subsequent judicial pronouncements on the subject.

Having heard learned counsel for the parties



and upon perusal of the record, this Court does not find any reason to interfere with the order of punishment of removal. It is an admitted fact that the petitioner had indulged in second marriage in contravention of Section 5(I) of the Hindu Marriage Act, 1955 and such contravention have been taken seriously in the disciplined force such as C.R.P.F.

The decisions relied upon by the learned Assistant Solicitor General representing the Union of India, the Division Bench of this Court at different points of time categorically held that the nature of conduct by indulging in second marriage during the life time of the first wife would be a misconduct falling under Rule 15 of the Rules governing the service conditions of the petitioner known as Central Reserve Police Force Rules, 1955.

I find force in the submission of learned Assistant Solicitor General representing the Union of India. There is no illegality or infirmity in the impugned order. This writ application is dismissed as devoid of merit.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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