

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16449 of 2016

=====

Sandip Kumar Nayak S/o Sri Raju Ram Nayak Resident of Village- Bhelsar,
Bikan, P.S.- Bhaleri, District- Churu (Rajasthan).

... .. Petitioner/s

Versus

1. The Union of India through Home Secretary, Ministry of Home, Govt. of India, New Delhi.
2. D.I.G., C.R.P.F., R.T.C.-III, Rajgir, Mokama Ghat, Patna, Bihar.
3. Principle, New Police Training Centre, C.R.P.F., Rajgir, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anshul, Adv. Mr. Pawan Kumar Singh, Adv.
For the Respondent/s	:	Mr. S.D Sanjay (Addl. Soc. Gen.) Mr. Rajesh Kumar Verma, CGC

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 28-11-2018

Learned counsel for the State prays for and is allowed to make necessary correction in paragraph no.12 of the counter affidavit.

Heard learned counsel for the parties.

In this case, the petitioner has sought the following relief:-

“1.That through the present writ application, the petitioner prays to issue an appropriate writ(s), order(s), direction(s) in the nature of writ of Mandamus, directing the respondents to reinstate the petitioner who was appointed on the post of Constable and taking training at the Training Centre of Respondent No.3.”

In Course of argument, a further prayer has been made that the petitioner has wrongly been terminated from service.



The petitioner has not made any averment in whole of the writ petition about non-service of a copy of the order of termination and the process of striking of the name of the petitioner.

The petitioner was selected as a G.D. Constable, has joined for the Basic Training at Recruit Training Centre, C.R.P.F., Rajgir, Bihar on 21.3.2015 but, the in the midst of training, on 7.5.2015 at 20 hrs., without any information to any of the superior authority, he deserted the Training Camp and, after that, he was arrested in relation to a criminal case and, ultimately, he was granted acquittal but, he neither informed his superior authority nor he joined. Now after a long period of time, he has submitted that he should be allowed to join the Center.

Learned counsel for the petitioner has drawn attention of this Court towards Annexure-3 which is nothing but, a registry slip which does not disclose the contents of the letter addressed to the authority.

Learned counsel for the Union of India submits that the petitioner has been terminated from service under Rule 5(1) of the CCS (Temporary Service) Rule, 1965. He further submits that he has deserted the Center and remained absent for a long period, that too, without any information or without taking leave of the superior



authority and, in support of his submission, he has placed reliance in the case of Union of India & Ors. Vs. Ghulam Mohd. Bhat; (2005) 13 SCC 228, Union of India & Ors. Vs. Datta Linga Toshatwad; (2005) 13 SCC 709 and Union of India & Ors. Vs. Sukhen Chandra Das; (2008) 17 SCC 125.

Looking to the aforementioned judgments covering the present case, this Court does not find any merit in the present writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2018
Transmission Date	

