

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13349 of 2006

Subodh Kumar Yadav, son of late Bhagwat Prasad, resident of village & P.O.
Thatha, P.S.-Mansi District Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Old Secretariat, Patna
2. The Director General cum Inspector General of Police, Bihar, Old Secretariat, Patna
3. The D.I.G. of Police, Magadh Range, Gaya
4. The S.P. Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad
Mrs. Maruti Kumari

For the Respondent/s : Mr. Rakesh Ranjan AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 31-08-2018

Heard the learned counsel for the petitioner and the learned counsel for the State.

The petitioner challenges the order dated 08.06.1999 passed by the Superintendent of Police, Gaya dismissing the petitioner from his service as also the appellate order dated 22.09.1999 as well as the order passed on the memorial filed by the petitioner whereby and whereunder the memorial has been rejected.

The petitioner was subjected to disciplinary proceedings for having absented himself from the place of occurrence where he was posted and in the meantime, the extremists had attacked



the other police personnel and looted the weapons as also injured the other police officials. The charges levelled against the petitioner was that he was not present at the place of occurrence and he was absent in an unauthorized manner which has resulted in weakening of the police force and consequently, the extremists were able to loot the weapons and injured the remaining police officials.

It is submitted by the learned counsel for the petitioner that similarly situated five other police personnel were also proceeded and all the six including the petitioner were dismissed by the disciplinary authority, however, as far as one of such police personnel is concerned i.e. constable Ram Padarath Jha, the D.I.G., Magadh Range, Gaya has set aside his order of dismissal and imposed the punishment of stoppage of increments in pay for two years equivalent to three blank marks. It is further submitted by the learned counsel for the petitioner that similar relief has been granted to three other similarly situated police personnel by this Court.

This Court on perusal of the materials on record is satisfied that there is a marked similarity in the allegations against the present petitioner and the aforesaid Ram Padarat Jha. The quality of evidence led during the inquiry and the findings



arrived therein are also remarkably similar. This Court is satisfied on the basis of the materials on record that on principles of consistency to be followed by the respondents, there can be no justification for them to subject the petitioner to a differential and more onerous treatment, in the facts and circumstances of the case, with the aforesaid Ram Padarath Jha.

In the result, the present petition is allowed and the original order of dismissal dated 08.06.1999, the appellate order dated 22.09.1999 and the order of memorial passed by the concerned authority are set aside and the matter is remanded to the Respondent No. 2 to take a fresh decision on the punishment to be imposed on the petitioner in accordance with law so that equal treatment be meted out to the petitioner as has been meted out to the aforesaid Ram Padarath Jha.

The writ petition is allowed to the aforesaid extent as indicated above.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
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