

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14248 of 2010

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1. Sheoji Prasad S/O Kapildeo Prasad R/O Vill.- Alwalpur, P.S.- Gaurichak, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Deputy Inspector General Of Police, Central Range, Patna
3. The Commandant, B.M.P.-Xiv, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. KUMESH KUMAR

For the Respondent/s : Mr. (GP14)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2018

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

In the present writ petition, the petitioner is challenging the order no. 986 dated 29.5.2000 passed by the Commandant, BMP-XIV, Patna whereby and whereunder the petitioner has been dismissed from service. Further prayer has been made for quashing the appellate order contained in Memo No.1917 dated 14.10.2000 passed by the Deputy Inspector of Police, Armed Police, Central Range Patna as well order dated 27.1.2009 communicated vide memo no. 51 passed by the Deputy Inspector General of Police, Central Range, Patna.

The petitioner had gone leave for 12 days but he



presented himself after 126 days along with medical certificate showing to be under the treatment of Doctor but later on it transpired that he was an accused in a criminal case of murder in Phulwarisharif P.S. Case No.148 of 1999. Thereafter enquiry was started against the petitioner. He had not chosen to appear before the Enquiring Officer, ultimately enquiry report was submitted to the Disciplinary Authority who passed the order for dismissal of the petitioner. The petitioner challenged the order of disciplinary authority in appeal and revision. Both were rejected whereafter the petitioner has challenged the order of dismissal before this Court vide C.W.J.C. No. 121 of 2001 unsuccessfully as the same was dismissed vide order dated 4.1.2001. The same has been affirmed vide L.P.A. No.101 of 2001 vide order dated 4.7.2008. Ultimately the petitioner has been acquitted in the criminal case, he filed representation and that has also been rejected..

Now the petitioner again challenged the order of dismissal on the ground that as he has been let off from the criminal case, looking to the facts and circumstances the punishment which has been inflicted upon him is so excessive it requires interference by this Court.

Learned counsel for the petitioner accepted that so far



charge relates to the absence and production of forged certificate is still sanding against the petitioner, he was dismissed on account of falsity as he was in jail but on appearance he has produced forged certificate claiming to be under treatment of doctor whereas he was behind the Bar. The petitioner has already challenged the dismissal order but unsuccessfully at all stages.

In such view of the matter, now the petitioner cannot rack up the same issue from time to time. Accordingly this Court does not find any merit in this writ petition. It is accordingly dismissed on merit as well as on technical ground.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
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