

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20329 of 2010

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Chandan Paswan S/O Late Ganga Paswan R/O Vill.- Gari Madarpur, P.O.-
Madarpur, P.S.- Gogri, Distt.- Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Home (Police) Department, Government Of Bihar, Patna
3. The Director General Of Police-Cum-Inspector General Of Police Bihar, Patna
4. The Additional Director Genral Of Police, Bihar Military Police, Bihar, Patna
5. The Inspector General Of Police, Bihar Military Police, Darbhanga
6. The Deputy Inspector General Of Police, Bihar Military Police (North Zone), Muzaffarpur
7. The Commandant, Bihar Military Police-7, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap

For the Respondent/s : Mr. Satya Prakash Tripathi SC

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 30-07-2018

1. The present writ petition has been filed for quashing the order dated 22.04.2009 passed by the Commandant, Bihar Military Police-7, by which the petitioner has been dismissed from service.
2. The brief facts of the case are that a departmental proceeding was initiated against the petitioner herein on the allegation of the petitioner having been found in an inebriated condition, abusing all the caste while he was on election duty as also on the allegation of having disappeared for seven days while deputed at Katihar at Headquarters during the period of suspension. During the course of



departmental enquiry, the prosecution had led the evidence of various witnesses who had proved the irresponsible and unbalanced behavior of the petitioner. The Inquiry Officer has submitted his inquiry report dated 11.03.2009 and had found the allegations leveled against the petitioner to have been conclusively proved. Thereafter, a second show cause notice dated 27.03.2009 was served on the petitioner to file a show cause reply on the proposed punishment of dismissal on the ground of proved misconduct. The petitioner had filed his reply to the said second show cause notice, whereafter the impugned order of punishment dated 22.04.2009 has been passed. The petitioner had then preferred an appeal, however the same has also been dismissed by an order dated 30.09.2010.

3. The learned counsel for the petitioner has submitted that during the course of enquiry, though various witnesses have supported the factum of occurrence as also the fact that the petitioner was found in an inebriated condition and was abusing various castes and people as also regarding him being absent for seven days but the medical report showing that the petitioner had taken alcohol, was never exhibited during the course of the departmental inquiry, hence the charges leveled against the petitioner cannot be said to be conclusively proved.

4. I have heard the learned counsel for the parties and gone through the records and I find that there is no procedural irregularity as far as the conduct of the disciplinary proceedings is concerned. I



further find that the Inquiry Officer, upon considering the evidence led by the prosecution, had come to a conclusion that all the charges leveled against the petitioner are proved and had found the petitioner to be guilty. Moreover, this Court cannot shut its eyes from the fact that in the past, the petitioner has been punished on fourteen occasions. This Court also find that a high level of discipline is imperative in police and armed forces and even one isolated incident of indiscipline is enough to take the most harsh step against the delinquent, however in the instant case, the petitioner appears to be a habitual offender, hence no mercy is required to be shown with him especially in view of the petitioner's proved misconduct. I have also gone through the order of punishment dated 22.04.2009 as also the appellate order and I do not find any perversity as far as the said orders are concerned.

5. For the reasons mentioned hereinabove, I find that there is no merit in the present petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

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CAV DATE	NA
Uploading Date	
Transmission Date	NA

