

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 25300 of 2013

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Dayanand Sharma Son Of Late Bankey Sharma Resident Of Village- Kanauli, P.S.-
Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna
3. The Director General of Police, Bihar Military Police, Bihar, Patna
4. The Deputy Inspector General of Police, Bihar Military Police, North Division,
Muzaffarpur
5. The Commandant, Bihar Military Police- 06, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ramakant Sharma, Sr Advocate with
Mr Rajesh Kumar, Advocate

For the Respondent/s : N O N E

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-05-2018

Heard learned Senior Counsel for the petitioner. None
appears on behalf of the State.

2 The writ petition has been filed challenging the petitioner's dismissal from service as *Havaldar* in Bihar Military Police – 06 (for brevity, *BMP – 06*), Muzaffarpur under order dated 19.08.2005 bearing Memo No 3962 affirming the order dated 20.08.1996 issued under Memo No 1825 by respondent No 4, Deputy Inspector General of Police (for brevity, *DIG*), BMP, North Division, Muzaffarpur. The petitioner has been proceeded against for absence from duty between 16.09.1993 to 30.10.1993 (45 days) and from



07.05.1994 to 15.11.1994 (190 days).

3 It is submitted by the learned Senior Counsel for the petitioner that though the absence is admitted but since the petitioner was suffering from mental ailment, therefore, he was prevented from joining his duty during the said period. It is further submitted that since the issue has been decided up to the level of Director General of Police (for brevity, *DGP*), who has rejected the Memorial under order dated 19.08.2005 bearing Memo No 3962, he may be allowed one more opportunity of placing before the said authority that is respondent No 2 the documents showing that the petitioner was under treatment during the said period for which he has been proceeded against.

4 If contemporaneous documents are in possession of the petitioner, he would be at liberty to appear before respondent No 2 by submitting a representation. The same must be submitted within two weeks from today. If such contemporaneous documents are submitted before respondent No 2, the same may be looked into and appropriate orders may be passed thereupon in accordance with law giving due weightage to the fact that the petitioner is a decorated member of the force and that services of the petitioner has been acknowledged to be distinguished by award of prestigious President's Medal etc. Let decision be taken by the DGP within a period of eight



weeks from the date of receipt/production of a copy of this order along with the representation to be filed by the petitioner.

5 The writ petition is disposed of.

6 The order dated 19.08.2005 bearing Memo No 3962 earlier issued by the DGP shall not stand in his way in considering the claim of the petitioner.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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