

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9206 of 2018

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Suresh Kumar son of late Nanu Mahto resident of House No. 44, Road No. 10,
Behind - Dhamariya, Gardanibagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary (Home), Secretariat, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The A.D.G., C.I.D. Bihar, Patna.
4. The DIG (D.N.) CID, Patna.
5. The S.P. (A), Special Branch, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra, Advocate
Mr. Gyanand Roy, Advocate
For the Respondent/s : Mr. Partha Sarthi -GA4
Mr. Apurva Kumar, AC to GA4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-10-2018

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

In this writ petition, the petitioner is challenging the order
dated 10.02.2014 passed by the Director General of Police,
Investigation, whereby and whereunder he has been compulsory
retired from the service.

The said order has been passed when the petitioner has
challenged the action of the respondent in CWJC No. 3619 of 2014
and during pendency of that writ petition the impugned order has
been passed and the writ petition was disposed of with a direction
that the petitioner may avail the forum of appeal and the Appellate
Authority will take decision in accordance with law.

Accordingly the petitioner has filed an appeal dated
22.09.2017 (Annexure-8) before the Director General of Police,



Bihar, Patna. While the matter is pending, in the meantime, the criminal court in Vigilance Case has passed the judgment and order dated 23.03.2018 in favour of the petitioner and acquitted him from the criminal charge and whereafter the petitioner has filed supplementary memo of appeal on 09.02.2018 before the same Authority, Director General of Police, Patna, instead of disposing of the appeal of himself transferred the appeal to Inspector General of Police, Special Branch, Bihar, Patna vide order dated 29.05.2018 (Annexure-11) and since then the same is pending for consideration.

In such view of the matter, the Inspector General of Police, Special Branch, Bihar, Patna is directed to decide the appeal of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order. While deciding the appeal, Inspector General of Police, Special Branch, Bihar, Patna will look into the factual aspect of the matter as well as the points raised by the petitioner in supplementary memo of appeal.

This Court is not giving any opinion on the merit of the case.

With the aforesaid observations and directions this writ petition is disposed of.

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	1.11.2018
Transmission Date	NA

(Shivaji Pandey, J)

