

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15973 of 2017

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Veer Mani Kumar S/o Sri Baleshwar Prasad R/o Village-Nakatapura, P.S.-
Bihar, District-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Home Secretary, Department,
Government of Bihar , Patna
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bhagapur
4. The Deputy Inspector, General of Police, Munger
5. The Superintending of Police, Shekhpura
6. The Deputy Superintendent of Police, Shekhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Adv.
		Mr. Raj Kishor Prasad, Adv.
For the Respondent/s	:	Mr. Dhrendra Kumar, AC to GP5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 28-08-2018

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

In this case, the petitioner is seeking relief for quashing the
order passed by the Superintendent of Police, Shekhpura, the
Disciplinary Authority, dated 9.10.2014, whereby and whereunder,
the representation filed by the petitioner for his reinstatement has
been rejected and directed to remove the name of the petitioner from
all the registers and directed for recovery of the amount whatever he
has been paid which was challenged before the appellate authority
i.e. the Deputy Inspector General of Police, Munger, who, vide order
dated 28.11.2014, affirmed the order of the Superintendent of Police,
Shekhpura and ultimately vide order contained in Memo No. 2322
dated 27.4.2016 passed by Director General of Police, Bihar, Patna



refused to give him the relief of reinstatement and thereby affirmed the order passed against him.

The short fact of this case is that the petitioner has applied for the post of Constable against the Advt. No. 1/12 and he was finally selected and was inducted in the police force on 2.6.2013. While the petitioner was undergoing training, it was transpired that the petitioner has obtained the service by suppressing the material fact of his involvement in criminal cases such as Bihar P.S. Case No. 3/2007 under Section 395 & 397 of the I.P.C., Rahui (Bhagan Bigha) P.S. Case No. 39 of 2005 for offence under Sections 395 & 412 of the I.P.C. and Bihar (Sohsarai) P.S. Case No. 261 of 2005 under Section 395 & 397 of the I.P.C. The petitioner was departmentally proceeded, ultimately, the petitioner was dismissed from service. The petitioner approached this Court in C.W.J.C. No. 13959 of 2015 and this Court remanded back the matter for fresh consideration on account of acquittal in a complaint case.

Learned counsel for the petitioner submits that as he has been acquitted from all the criminal cases, so the order, refusing to reinstate the petitioner, is completely illegal and not sustainable in law and has also pointed out that the D.G.P. has recorded the fact that the petitioner has been acquitted on account of witnesses have been turned hostile is an incorrect finding. He has wrongly recorded that in



the disciplinary enquiry, the charges were found to be proved which is also an incorrect fact.

Learned counsel for the petitioner submits that there was no formal enquiry, only show-cause was asked, whereafter, the order of dismissal from service was passed against the petitioner.

This Court has examined the judgment passed by the court below. In fact, one of the judgment passed in Sessions Trial No. 171 of 2015, the records shows that by and large all the prosecution witnesses turned hostile, as petitioner no.1 & 2 refused to recognize the recovery and the seizure list as they have stated that the seizure list was not prepared in their presence and the signature has been obtained in the blank paper. P.W.4 has also said that he has no knowledge about the miscreants and has not participated in the T.I.P. and refused to identify the accused persons. P.Ws. 5, 6 and 8 have also not supported the case. P.W.7 has also not stated anything against the accused persons. So, all the witnesses have turned hostile which led to acquittal of the petitioner and, as such, it cannot be said to be honorable acquittal of the petitioner. When the petitioner has alleged to have been involved in such a heinous crimes, though he has obtained the order of acquittal, such type of person cannot be allowed to be a member of police force. In such a situation, the public, at large, will loose the confidence in police force, will be the



ultimate sufferer by inducting such a person who has been made accused in three cases of dacoity.

This Court does not find any merit in the present writ application on the two grounds, firstly, the petitioner has suppressed the material fact while filling up the form about facing such a heinous crime, knowing well that if he mentions about his criminal history, his candidature will be rejected at the threshold and, secondly, he cannot be allowed to be a member of the police force on account of the fact that he was involved in three criminal cases though he has obtained the order of acquittal though not honorably.

Whatever amount the petitioner has been paid will not be recovered from him, accordingly, that part of the order passed by the Superintendent of Police, Shekhpura is modified to the aforesaid extent.

In the result, this writ application stands dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

