

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12398 of 2017

Constable No. 201 Kaushal Pati Tiwary @ Vinod Tiwary, S/o late Tirthwasi
Tiwary R/o Village- Dandwas, P.O. Mijan, P.S. Mohania, District- Kaimur
(Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Dept. of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna Range, Patna.
5. The Deputy Inspector General of Police, Patna Range, Patna.
6. The Superintendent of Police, Nalanda, Biharisharif.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate Mr. Kanhaiya Pandey, Advocate
For the Respondent/s	:	Mr. Utsav Kumar, A.C. to G.A.-4

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-07-2018

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

2. In this case, the petitioner has raised a grievance
that even after the acquittal in Criminal case i.e. Criminal
Appeal No.93 of 2011, he has not been reinstated in service.

3. The petitioner was constable in the Bihar Police



service. He was made an accused on account of private dispute, which was registered as Mohania P.S. Case No.109 of 1997, for offence under Section 147, 148, 149, 302 and 364 of the Indian Penal Code. The petitioner was convicted and on account of the conviction, the petitioner was dismissed from the service as per Article-311(2) of the Constitution of India. Against the conviction, the petitioner filed an appeal before this Court being Criminal Appeal No.93 of 2011. This Court vide judgment and order dated 08.04.2017 acquitted the petitioner from all the charges levelled against him.

4. Learned counsel for the petitioner submits that on account of acquittal, the petitioner is entitled for reinstatement in service, but he has not been reinstated in service.

5. From the record, it does not appear that after the acquittal the petitioner approached the competent authority for needful action.

6. In such view of the matter, the petitioner, if so desire, may file a proper application before the competent authority bringing all the facts to the notice of the authority. If such an application is filed, the authority concerned shall consider the same and take decision in accordance with law



within a period of three months from the date of filing of application by the petitioner.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	10.07.2018
Transmission Date	N/A.

