

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7648 of 2018

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Amarjeet Singh, Son of Sri Om Prakash Singh, Resident of Village-
Musthafabad, P.O.- Bizaura, P.S.- Mardah Di, Ghazipur (U.P.), presently
posted at Frontier Headquarter, SSB, Ashiana Digha Road, P.S.- Rajiv Nagar,
District- Patna.

... .. Petitioner

Versus

1. The Union of India through Secretary, Ministry of Home, Affairs, Central
Secretariat, New Delhi.
2. The Director General, Sashastra Seema Bal, Frontier Head Quarter, R.K.
Puram, New Delhi.
3. The Assistant Director (Pers-II), Frontier Head Quarter, SSB, New Delhi.
4. The Commandant (FTR), Frontier Head Quarter, SSB, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary, Advocate
For the Respondent/s	:	Mr. S.D Sanjay (Addl. Soc. Gen.) Mr. Kanak Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 05-09-2018 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

In this case, the petitioner was promoted to the rank of
Head Constable, but later on, the same has been withdrawn on
account of pendency of criminal case before the Additional
C.J.M., Bagaha, under Sections 302, 120(B) and 379/34 of the
Indian Penal Code.

There is no dispute that on the date of promotion the
petitioner was facing criminal trial. The grievance has been



raised by the petitioner that before passing the order no show-cause has been given to him.

The withdrawal of promotion is not on account of some punishments or some imputations against the petitioner, but merely on account of pendency of criminal case against the petitioner. Even if, this Court asks the respondents to give the show-cause and seek explanation, will not improve the situation on account of fact that there is no denial of pendency of criminal case against the petitioner on the date of promotion.

In such view of the matter, this Court cannot grant any relief to the petitioner. However, after closure of the case, the petitioner would be given the benefit in terms of the result kept in the sealed cover.

With the aforesaid observations and directions, this writ petition is dismissed.

(Shivaji Pandey, J)

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