

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2062 of 2019

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Alok Kumar Singh S/o Mahendra Prasad Singh Permanent Resident of Village-Kasthara, P.O. and P.S.-Vidyapatinagar, District-Samastipur, at Present Sub-Divisional Police Officer, Sikrahna, District-East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Additional Chif Secretary, Department of Home, Government of Bihar, Old Secretary, Patna
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Old Secretary, Patna
3. The Director General of Police, Old Secretariat, Patna Bihar
4. The Additonal Director General of Police Head Quarters, Old Secretariat, Patna Bihar
5. The Inspector General of POlce (Administration), Police Head Quarters, Old Secretariat, Patna Bihar
6. The Deputy Inspector General of Police, Magadh Range Gaya
7. The Principal Secretary, Department of Home, Government of Bihar, Old Secretariat Patna
8. The Special Secretary, Section O Department of Home (Special Branch), Bihr, Old Secretariat, Patna
9. The Under Secretary, Section O Department of Home (Special Branch), Bihar, Old Secretariat, Patna
10. The Joint Secretary, Section-2, Department of Home (Police), Bihar, Patna, OLd Secretariat Patna
11. The Deputy Secretary, Section-2, Department of Home (Police), Bihar, Patna Old Secretariat Patna
12. The Additional Chief Secretary, General Administration Department, Government of BIhar, Old Secretariat, Patna
13. The Principal Secretary, General Administration Department, Government of Bihar, OLd Secretary Patna
14. The Under Secretary, Bihar Human Rights Commission, 9, Bailey Road Patna
15. The Section Officer, Bihar Human Rights Commission,9, Bailey Road Patna
16. The Station House Officer, Vishnupad Police Station Gaya
17. Sunil KUmar Singh Inspector of Police, then Station House Officer, Vishnipad Police Station Gaya at Present Inspector of Police, Patna
18. Vijay Jha @ Vijay Kumar Jha @ Jhaji the then Chota Babu, Assistant Sub-Inspector, Vishnupad POLice Station Gaya
19. Md. Hashim Son of Late Md. Shamim Resident of Mohalla-Ghungritad, P.S.-Vishnupad, District-gaya
20. Md. Eqbal Son of Md. Hashim Resident of Mohalla-Ghungritad, P.S.-Vishnupad, District-gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13
Advocate
Mr. Rohit Kumar
Advocate



For the Respondent/s : Mr.Md. N.H. Khan
SC1
Mr. Md. Ishad
AC to SC-1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 07-02-2019

A supplementary affidavit has been filed during the course of the argument of the present petition. Let it be kept on record.

Heard the learned counsel for the petitioner and the State.

The petitioner, a Deputy Superintendent of Police, seeks setting aside of the order dated 30.08.2018, contained in letter no. 7884, issued by the Deputy Secretary, Government of Bihar, Patna, whereby recommendation for subjecting the petitioner to disciplinary proceeding has been made.

It appears from the records that one Md. Hashim had been illegally detained by the Officer Incharge of the concerned police station near Vishnupad Temple in the district of Gaya. On his complaint about illegal detention, the Superintendent of Police, Gaya directed the petitioner to seek necessary instructions in that regard from the Officer Incharge of the



concerned police station. The petitioner only sent reminders to the Officer incharge for giving his comments over the charge made by Md. Hashim and nothing was done at his end. Since no order was being passed in case of illegal detention for some time, Md. Hashim approached the Human Rights Commission, Bihar, Patna. The Human Rights Commission, after going through the records of the case, granted a compensation of Rs. 50,000/- to Md. Hashim. The aforesaid amount of compensation had to be recovered from the Officer who had put Md. Hashim to illegal detention. A communication was also made to the concerned authority for recovery of the aforesaid amount from the then Officer Incharge. However, the government in its wisdom, on coming to the conclusion that because of the soft handling of the petitioner, the department was made to pay compensation of Rs. 50,000/-, has thought of initiating a departmental proceeding against the petitioner.

Needless to say that the petitioner is required to answer to the charges against him.



It is beyond doubt that no proceeding would be concluded without taking the response of the petitioner in that regard.

However, at this stage, no interference is called for with the recommendation of the concerned respondent for initiating departmental proceeding against the petitioner.

With the aforesaid observation, this writ petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	11.02.2019
Transmission Date	

