

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No 172 of 2019

In

Civil Writ Jurisdiction Case No 4784 of 2016

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Ravish Chandra Thakur, aged about 27 years, Gender – Male, Son of Shankar Thakur, Resident of Village - Kathara, Post - Kathara, Police Station - Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Kaimur, Bhabhua.
5. The Chairman cum Inspector General, Central Selection Board of Constable, Government of Bihar, Patna.
6. The Secretary, Central Selection Board of Constable, Government of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Sanjay Kr Singh, Neeraj Kr
For the S t a t e	:	Mr Manish Dhari Singh, AC to AG
For the CSBC	:	M/s Sanjay Pandey, Binod Kr Mishra, Vivek Anand Amritesh, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 21-11-2019

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

2 This application has been filed for recalling the order dated 28.06.2016 passed in CWJC No 4784 of 2016.



3 This Court would reproduce the relevant portion of the order dated 28.06.2016 which gives rise to the instant application:

“The main grievance of the petitioner is that he has been dismissed from service vide order dated 15.06.2015, passed by the Senior Superintendent of Police, Patna, without due compliance of norms and procedure.

A Counter Affidavit has been filed on behalf of Respondents No 5 and 6.

As the petitioner has an alternative remedy of Appeal, this writ application is disposed of with aforesaid liberty to the petitioner. In case, any Appeal is filed by the petitioner, the delay in filing of the same would be duly condoned as the petitioner was seeking his remedy before this Court.”

4 Petitioner’s counsel submitted that in fact Departmental Proceeding No 46 of 2016 is still pending. According to him, no dismissal order dated 15.06.2015 was passed and, as such, it appears that on account of an error of inadvertence, such facts have been stated, and recorded in the order dated 28.06.2016 which have been quoted hereinabove.

5 Respondents have also filed a counter affidavit in the instant proceeding. It is their specific stand in paragraphs 6 and 7 of the counter affidavit that on 15.06.2015, petitioner was neither suspended nor dismissed. It is further admitted that the



Departmental Proceeding No 46 of 2016, which was initiated against the petitioner, is still pending.

6 In view of the admitted position, this Court would recall the order in so far as it records dismissal dated 15.06.2015 from service.

7 The writ petition may, therefore, be listed for consideration afresh.

8 MJC application stands allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2019
Transmission Date	NA

