

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7527 of 2015

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Dilip Kumar Vishwakarma, son of late Krishna Sharma, Resident of Village – Old Bhojpur, PS – Dumraon, District - Buxar

... .. Petitioner/s

Versus

- 1 The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
- 2 The DG of Police, Bihar, Patna
- 3 The IG, Patna Zone, Patna
- 4 The DIG, Central Range, Patna
- 5 The SSP, Patna

... .. Respondent/s

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For the Petitioner/s	:	Mr Ebrahim Kabir, Ms Shruti Sinha, Advocates
For the Respondent/s	:	Mr Ashish Kumar Lal, AC to GA V

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 14-05-2019

Heard Mr Ebrahim Kabir for the petitioner as well as Mr Ashish Kumar Lal, for the State.

2 Petitioner is aggrieved by the order dated 05.08.2014 issued by the Senior Superintendent of Police, Patna whereby and whereunder, holding the petitioner guilty of certain misconduct/misbehaviour and acts of indiscipline, his contractual existence as Special Auxiliary Police has been brought to an end. He submits that since the order is based on certain findings which have civil and penal consequences by attaching stigma on the petitioner, the same are unsustainable being violative of principles of natural justice.



3 Even show cause was not issued to the petitioner as it appears from the pleadings on record. The other aspect of the matter is that the existence of the petitioner was contractual and, as such, the petitioner, not being a Government Servant, cannot claim the protection of the Service Rules regarding conduct of departmental enquiries.

4 However, this Court would consider the fact that no stigma can be attached on the petitioner by virtue of the impugned order dated 05.08.2014 issued by the Senior Superintendent of Police, Patna inasmuch as the same is in violation of the principles of natural justice. On account of the said order, the petitioner cannot be denied consideration in the matter of contractual or any other appointments in future. The petitioner would not suffer any disqualification on account of the said order. However, this Court would not interfere with the termination of the petitioner's contractual engagement.

5 Writ petition is disposed of with the aforesaid observation.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2019
Transmission Date	NA

