

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12315 of 2014

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Kishore Kumar Singh Son of Ambika Prasad Singh resident of Village- Bindtoli, P.O.- Karari Tintanga, P .S. Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Bhagalpur, Bhagalpur.
5. The Superintendent of Police, Bhagalpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey
For the Respondent/s : Mr.P.K. Verma

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-04-2019

Petitioner has filed the writ petition for quashing of order of Director General of Police, Bihar, Patna dated 20.12.2003 rejecting the review petition filed by the petitioner. Review has been preferred by the petitioner for his dismissal on account of unauthorized absence of 400 days. The order of dismissal was pursuant to an enquiry conducted by the authority. The issue regarding petitioner being absent for 400 days had finally been put to rest in view of order dated 16.10.2012 passed in CWJC no. 14255 of 2007. Relevant portion of the said order is as follows:-

These facts, in my view, clearly establish that the petitioner was absent from duty without intimation or permission for over 400



days. Even in these facts and circumstances, the authorities have taken the view that they have taken. It is not open for this court to interfere.

This writ petition is, accordingly, dismissed.

After the said findings, LPA no. 338 of 2013 was filed by the petitioner. The same was withdrawn on 20.3.2013. The said proceeding concludes the issue regarding the petitioner's dismissal on account of 400 days leave. It appears that thereafter, petitioner has submitted review application before the Departmental Authority. The same has been rejected by review authority by holding that review is time barred .

This court would observe that issue regarding validity of the petitioner's dismissal on account of 400 days unauthorized absence had already been concluded in the earlier proceeding in CWJC no. 14255 of 2007 when this court refused to interfere with the action taken by the authorities. No liberty was sought for preferring review.

In view of the findings in the earlier writ proceeding even otherwise review preferred by the petitioner seeking relief in respect of findings which have concluded in CWJC no. 14255 of 2007, is not maintainable. This court does not find any reason to interfere with the impugned order passed by the Director General of Police, Bihar.



Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
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