

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15908 of 2011

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AMAR KUMAR S/O Awadhesh Kumar R/O Village- Tulsipur, Ghorghat,
P.O.- Ghorghat, Police Station - Bariyarpur, District- Munger

... .. Petitioner/s

Versus

1. THE UNION OF INDIA Ministry Of Home Affairs, Govt. Of India, New Delhi
2. The Dy. Director General, Group Center, C.R.P.F., Muzaffarpur, Bihar
3. The Commandant - 215 BN, C.R.P.F., Muzaffarpur, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Sinha

For the Respondent/s : Mr.Ansuman Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

11 09-09-2019 Heard counsel for the petitioner and counsel for the
respondents-Union of India.

Petitioner's selection in respondent-Force has been terminated by the authorities exercising their powers under sub-rule (1) of Rule 5 of Central Civil Service (Temporary Service) Rules, 1965. The same is assailed by the petitioner asserting that it is not preceded by any opportunity and therefore, unsustainable in terms of Article 311 of the Constitution of India. Termination as per admitted case is on account of alleged suppression of criminal case pending against the petitioner at the time of his appointment.

Counsel for the petitioner submits that the petitioner has not suppressed any criminal case as he had no knowledge about it. Even if petitioner had knowledge of the said



proceedings whether respondents could resort to termination of service in the manner in which they have done, stands decided by the Apex court in the two judgments in the case of Avtar Singh v. Union of India and others. The same are reported in (2016) 8 SCC 471, and (2018) 1 SCC 268.

In the circumstance, authority, namely, respondent no.3 is directed to reconsider the case of the petitioner in light of law laid down by the apex court in the two judgment in the case of Avtar Singh (supra).

Authority would be obliged to pass speaking order. In order to enable appointing authority to pass speaking order, petitioner would be at liberty to place his representation relying upon decision of the apex court in the case of Avtar Singh (supra) before respondent no.3 within four weeks.

In the event, same is filed decision would be taken by respondent no.3 strictly observing the law laid down by the apex court taken note of hereinabove within a period of three months thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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