

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15761 of 2016

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Shambhu Kumar S/o Sri Shyam Das Paswan resident of Village-
Chakhamind, P.O.- Birju Milki, P.S.- Harnaut, District- Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
4. The Director General of Police, Govt. of Bihar, Old Secretariat, Patna.
5. The Inspector General of Police Headquarter, Bihar, Patna.
6. Deputy Inspector General of Police Personnel and Administration, Bihar, Patna.
7. Bihar Staff Selection Commission, Patna.
8. The Chairman, Bihar Staff Selection Commission, Patna.
9. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha
For the Respondent/s	:	Mr. Sanjay Kumar AC to SC 8
For the Commission	:	Mr. S.S.Sundaram

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-04-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The petitioner participated in the selection process for appointment of Assistant Sub Inspector of Police conducted by the respondent Commission. The petitioner was successful in the process of selection. However, at the stage of verification it was revealed that he was an accused in Harnaut (Chero) PS Case No. 141 of 2003 and which fact he had not disclosed while obtaining appointment. On account of such suppression,



his selection was cancelled by the respondent authorities. The petitioner approached this Court by filing a writ petition, CWJC No. 17494 of 2011. This Court had granted liberty to the petitioner to file a representation for consideration of his matter. The matter was thereafter considered and on 19.8.2016 his application has been rejected by the Inspector General of Police (Headquarter) Bihar Patna. The petitioner has assailed the same in the instant proceeding.

Mr. Jha appearing for the petitioner submits that declaration of law in this regard in the case of *Avtar Singh Vs Union of India and others, (2016) 8 SCC 471* makes it obligatory upon the authorities to consider mitigating circumstances and nature of suppression. The circumstances which require consideration are summarised in the said judgment at para 38. He submits that relying upon the same he would be approaching the Director General of Police, Government of Bihar, respondent No. 4, for consideration of his case.

Since the issue has earlier not been considered in light of the decision in the case of *Avtar Singh (supra)* the matter may be considered by the Director General of Police in light of the said judgment. The petitioner would be obliged to set forth



his claim placing reliance upon the said judgment, as prayed for, within four weeks. In case, such a claim is submitted, respondent No. 4 should dispose of the same by a reasoned and speaking order within a period of eight weeks thereafter.

The writ petition is disposed of.

(Madhuresh Prasad, J)

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