

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16311 of 2019

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Archana Kumari, Aged about 25 years, Female, D/o Ravindra Kumar,
Resident of Mohalla- Linepar, Mirjapur, Nawada, P.S.- Nawada, District-
Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. D.G. of Police, Patna, Bihar.
3. D.I.G., Military Police, Uttari Mandal, Muzaffarpur.
4. D.I.G. Magadh Range, Gaya.
5. Commandant, BMP-7, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, Adv.
For the Respondent/s : Md.Nadin Seraj (GP-5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 22-08-2019

While the petitioner served the Police
Department as a Constable, she was found to be
involved in three cases of minor nature. Because of
such involvement in criminal cases, a departmental
proceeding was initiated against her and she was
removed from service. While the service of the



petitioner still subsisted, she had obtained permission from the Department to improve her position and appeared in the examination for Sub-Inspector, which she successfully completed.

2. The aforesaid facts are not in dispute. However, the appointment letter was never given to the petitioner because she had been removed from her earlier assignment as a Constable.

3. The learned counsel for the petitioner has drawn the attention of this Court to a communication made by the D.I.G., Magadh Range, Gaya to the Senior Superintendent of Police, Gaya, intimating that necessary guidelines are being sought from the Home (Police) Department regarding the case of the petitioner.

4. It has been submitted that all the persons who were declared successful along with the petitioner have now been sent for training, but no decision has been taken as yet with respect to the petitioner. It has further been submitted that in the



first instance, the petitioner ought not to have been removed from service because she was made accused in cases of minor nature at the instance of her neighbour.

5. Be that as it may, while in service, she appeared in the examination for being appointed as Sub-Inspector of Police after obtaining "No Objection" from the Department. There has not been any element of hide and seek on the part of the petitioner. In that event, the removal from service of the petitioner from the post of Constable ought not to be treated as a bar to the fresh appointment on the post of Sub-Inspector in which she has been successful.

6. Under the aforesaid circumstances, this Court is of the view that a decision ought to be taken with respect to inducting the petitioner in service.

7. On a representation made by the petitioner before D.G.P. within a period of two weeks, he shall look into the matter, have the facts verified and, thereafter, shall pass a reasoned order in



accordance with law within a period of four week of receipt of such representation.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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