

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1244 of 2016

=====

Nageshwar Prasad Son of late Ram Prasad Mahto Resident of Village /Mohalla- Horil Bigha, PS Noorsarai, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Home (Police), Secretary, Govt. of Bihar, Patna./
2. Director General of Police, Bihar, Patna.
3. Superintendent of Police, Nalanda.
4. Superintendent of Police, Begusarai.
5. Superintendent of Police, Naugachhiya.
6. Deputy Superintendent of Police, Naugachhiya.
7. Officer-in-Charge, Matihani, Police Station -Begusarai.
8. DIG, Magadh Range

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Rajendra Prasad, Sr Advocate with
M/s Pramod Kr, Ritesh Kr, Advocates

For the State : Mr Ram Pravesh Nath Tiwary, AC to SC XXV

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 03-01-2019

Learned counsel for the petitioner is permitted to add Deputy Inspector General of Police, Magadh Range (for brevity, *DIG*) as respondent No 8.

2 Heard learned Senior Counsel for the petitioner and the respondent-State.

3 Learned Senior Counsel appearing for the petitioner has assailed the order of punishment issued by Superintendent of Police, Nalanda (for brevity, *SP*). He submits that the punishment has been inflicted in relation to certain charges for the period when



the petitioner was posted in Naugachhia. As such, it is submitted that the punishment order issued by SP, Nalanda is not sustainable as SP, Naugachhia was the competent authority for looking into the allegation.

4 Another submission, which has been advanced, is that the order has been passed without affording any opportunity of hearing to the petitioner. Petitioner has since retired on 30.11.2015.

5 The State, in its counter affidavit, has taken an objection regarding alternative remedy available to the petitioner by preferring an appeal before the DIG.

6 In view of such objection being raised by the respondents, this Court would dispose of the writ petition with liberty to the petitioner to avail the remedy of appeal before the DIG. The said grounds, urged by the petitioner in the instant proceeding as well as any other ground which will be urged by the petitioner before the DIG in appeal, must be considered by the DIG, Magadh Range by a reasoned and speaking order in accordance with law.

7 Petitioner will be at liberty to file his appeal within a period of four weeks from today.



8 In the event, such appeal is filed, final order disposing of the appeal must be passed within a period of three months thereafter.

9 This disposes of the writ petition.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.01.2019
Transmission Date	NA

