

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.547 of 2016

Shatrughan Manjhi Son of Late Deoki Nandan Manjhi Resident of Village
Daniawa, P.S.- Daniawa, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Vigilance, Patna
4. The Deputy Inspector General of Police (Vigilance), Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate
For the State : Mr. Rajesh Kumar, AC to GP 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 02-01-2019

Heard counsel for the petitioner and the respondent State.

2. The petitioner has approached this Court for quashing the order dated 19.05.2015 issued by the Deputy Inspector General of Police whereby his services has been dismissed. He has also sought setting aside the order of dismissal dated 29.08.2012 issued by the Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.

3. The petitioner has been found on unauthorized absence for a total period of 906 days while working as Head Constable in the Vigilance Investigation Bureau. Counsel for the petitioner submits that on account of medical illness and for such reasons beyond his control he was compelled to be absent. He submits that from perusal of the enquiry report it is evident



that in between the petitioner has submitted his joining. Intermittent joining of the petitioner is indicative of the fact that he was physically unfit and as such could not continuously be present in the service. In support of his submission he places reliance upon the decision of this Court in the case of **Chhel Singh vs. M.G.B Gramin Bank, Pali & Ors.** reported in **2014 (3) PLJR (SC) 451**. He places reliance upon paragraph 15 and submits that the medical certificate submitted by him in his defence were required to be looked into even though they have been issued by a private Doctor and not by the government Doctor. It is his submission that due to such omission in considering the medical certificates in support of his illness the findings are unsustainable and requires re-consideration by the authorities.

4. From the records it is apparent that the enquiry officer has given due consideration on the issues raised by the petitioner. The enquiry report dated 02.12.2011 records that in support of his treatment for illness at Patna and Dharbanga by private Doctors the petitioner has submitted, before the Superintendent of Police, evidence to show that the communication has been sent by the UPC. Whether the said evidence has ever reached to the Superintendent of Police or not



is not evident nor the petitioner is in a position to show that the documents were actually before the enquiry officer. Other than the alleged UPC communication of the prescription showing his treatment by private doctors there is nothing on record in support of the petitioner's treatment.

5. Even in the instant writ proceedings there is no details given in respect to the periods during which he has undergone treatment between 906 days of unauthorized absence other than the vague assertions that he was undergoing treatment. There is nothing on record to justify such a long period of unauthorized absence such as 906 days. Other than that no infirmity has been alleged in the decision making process.

6. In the circumstances, there is no occasion for this Court to interfere with the order passed by the Superintendent of Police dated 29.08.2012 as affirmed by the Appellate Authority by the impugned order dated 19.05.2015. Other than the fact that there is no procedural infirmity alleged by the petitioner, this Court would also records that the orders passed by the Superintendent of Police as also by the Deputy Inspector General of Police (Appellate Authority) are after giving due consideration to issues raised by the petitioner.

7. Considering the aforesaid circumstances, this Court



does not find any reason to interfere with the said findings of the authorities which are in accordance with law.

8. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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Transmission Date	

