

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.562 of 2018

In

Civil Writ Jurisdiction Case No.5451 of 2004

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Ramanuj Singh Son of Late Kripit Singh, Resident of Village and P.O. Berhna, P.S. Barh, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through the Secretary-cum-Commissioner, Department of Home, Bihar, Patna.
2. The Director General-cum-Inspector General of Police (Crime), Bihar, Patna.
3. The Additional Director General-cum-Inspector General of Police (C.I.D.), Bihar, Patna.
4. The Superintendent of Police (C) C.I.D., Bihar, Patna.
5. The Superintendent of Police, Supaul.
6. The Superintendent of Police, Saharsa.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satyendra Narayan Singh, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, A.C. to A.A.G.-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-06-2019

The appeal questions the correctness of the impugned judgement dated 22nd of March, 2018 on the ground that keeping in view the long tenure of the service of the appellant, the termination of the services of the appellant was absolutely unjustified inasmuch as there was no default on the part of the appellant nor was it the case of the respondents that



the appellant had practised any undue influence for obtaining the employment.

2. Learned counsel submits that the respondents have committed an error in proceeding to dispense with the services of the appellant without holding any proper enquiry or giving any proper opportunity to the appellant and, therefore, the order dated 17th of December, 2003 was clearly in violation of the principles of natural justice.

3. We have considered the submissions raised and perused the records. The learned Single Judge has traversed all the facts and has come to the conclusion that the manner of appointment as prescribed under the Bihar Police Manual was clearly violated and the appointment was not in conformity with the same. This aspect has been dealt with in relation to similar nature of appointments in the case of **State of Bihar & Ors. Vs. Chandreshwar Pathak**, reported in **(2014) 13 SCC 232** where such termination orders that were upheld by this Court have been upheld by the Apex Court as well.

4. The said issue was dealt by us in the case of **Shailesh Kumar Mall Vs. State of Bihar**, reported in **2019 (1) P.L.J.R. 975**, where also it was held that in the absence of any procedure of selection and appointment having been followed as



prescribed under the Rules, the claim that the termination order was invalid was unsustainable. Following the ratio of the said decisions and keeping in view the law laid down therein, we do not find any distinction on the facts of the present case so as to take a different view.

5. Learned counsel for the appellant has then invited the attention of this Court to the judgement of the Apex Court in the case of **Nand Kumar Manjhi Vs. State of Bihar**, reported in **AIR 2019 S.C. 2204** to urge that in the said case also where there was a dispute of seniority, it was held that the question of appointment cannot be gone into and the claim of seniority from the date of initial appointment would not be tenable, but the Court further did not disturb the nature of the appointment and the appellants therein were allowed to continue.

6. We have perused the aforesaid judgement and we find that in that case the State itself had regularized the services on humanitarian grounds and, therefore, the Apex Court did not interfere with the same, but it has not approved any such ratio which may run counter to the judgement in the case of Chandreshwar Pathak (supra).

7. Consequently, the said judgement also does not



come to the aid of the appellant. There being no merits, the appeal is, accordingly, rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

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