

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3002 of 2019

Sushil Kumar @ Constable No. 901 Sushil Kumar S/o Rang Bahadur Singh
resident of Nimiaya, P.O.- Nimiaya, P.S.- Nimia, District- Rohtas at present
constable no. 901, Police Line Buxar, Bihar

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home, Govt. of Bihar, Old Secretariat, Patna
2. Additional Chief Secretary Department of Home, Govt. of Bihar, Old Secretariat, Patna
3. The Director General of Police Old Secretariat, Patna, Bihar
4. The Additional Director General of Police (Headquarters) Old Secretariat, Patna, Bihar
5. The Inspector General of Police (Administration) Police Headquarters, Old Secretariat, Patna, Bihar
6. The Principal Secretary Department of Home, Govt. of Bihar, Old Secretariat, Patna
7. The Joint Secretary Section-8 Department of Home(Police Branch), Bihar, Old Secretariat, Patna
8. The Under Secretary Section-8 Department of Home(Police Branch), Govt. of Bihar, Old Secretariat, Patna
9. The Inspector General of Police Patna Zone, Patna, Bihar
10. The Deputy Inspector General of Police Shahabad Range, Dehri-on-Sone, Bihar
11. The Superintendent of Police Buxar, Bihar
12. The Deputy Superintendent of Police (Head Quarters) Buxar, Bihar
13. The Inspector of Police-cum-Station House Officer Buxar Town Police Station, Bihar
14. The Sub-Divisional Police Officer Buxar, Bihar
15. The Confidential reader Office of the Superintendent of Police, Buxar
16. The Reserve Sub Inspector of Police (R.S.I.) One Police Lines, Buxar
17. Arun Kumar Gupta Deputy Superintendent of Police (Head Quarters), Buxar, Bihar
18. Upendra Nath Sharma then Superintendent of Police, Buxar at present Superintendent of Police, East Champaran at Motihari, Bihar
19. then Superintendent of Police, Buxar at present Superintendent of Police, East Champaran at Motihari then Inspector-cum-Station House Officer, Buxar at present Station House Officer, Chayanpur, Kaimur, Distt.-Bhabhua, Bihar
20. Sheshav Yadav then Sub Divisional Police Officer, Buxar, Bihar at present Additional Superintendent of Police East Champaran at Motihari



21. Subodh Kumar Inspector Circle Town, Buxar
22. Manoj Kumar then Deputy Superintendent of Police (Headquarters), Buxar through the Director General of Police, Patna
23. Rajendra Verma S/o Motilal Verma, Mohalla-Benglaghat, P.s.-Buxar Town, Distt.-Buxar, Bihar
24. Dayanand Singh Inspector, Town Police Station, Buxar
25. Satish Kumar Sub-divisional Police Officer, Buxar
26. Anil Kumar Confidential Reader Office of the Superintendent of Police, Buxar
27. Stayendra Narayan Tiwari Reserve Sub-Inspector, Police Lines, Buxar

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 29-01-2021 Heard the parties through virtual mode.

Following reliefs have been sought for in paragraph 1 of
the present application on behalf of the petitioner:

“1(I) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the memo No. 983/396913/L-1 (43-02-64-2017) dated 15.11.2018 issued under signature of Director General of Police, Patna Bihar contained in Annexure-3 whereby and whereunder the respondents Authorities specially respondent no. 3 not followed the order/judgment dated 21.08.2018 passed in Civil Writ Jurisdiction Case No. 9724 of 2017 and the same caused miscarriage of justice.

(II) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of Buxar District Force Order No. 2082 of 2018, issued under signature of the Superintendent of Police, Buxar (contained in Annexure-4) by which the petitioner has been



subjected to be reinstated but petitioner has suspended which is totally caused serious prejudice to the petitioner.

(III) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of charge sheet Charge Memo (contained in Annexure-5) dated 21.12.2018 issued under signature of the Superintendent of Police, Buxar. However, the copy of the inquiry report was not supplied to the petitioner and the same is not sustained in eye of law, and illegal and de hors the statutory procedure.

(IV) For issuance of writ of mandamus directing the respondent authorities to release from the suspension and grant with all consequential benefits in the light of order/judgment dated 21.08.2018 passed in CWJC No. 9724 of 2017 and order/judgment dated 27.06.2018 passed in CWJC No. 470 of 2018 whereby and whereunder Hon'ble Court passed the order "petitioner will be granted the same benefits which have been granted to other (in CWJC No. 9724 of 2017) and "petitioner is directed to be reinstated on his post with all consequential benefits (in CWJC No. 470 of 2018) and also

(V) For issuance of writ of mandamus directing the respondent authorities to implement of letter No. 30/Go dated 10.01.2019 under signature of the Additional Director General of Police (Head Quarter) Patna in light of Rule 840(C) of Bihar Police Manual whereby and whereunder "An employee shall not be suspended as a part of punishment".

On behalf of the petitioner, it has been submitted that the suspension of the petitioner has been revoked. The petitioner has further challenged the quashing of the departmental proceeding which was initiated against him in the light of the



order passed by a Coordinate Bench of this Court.

Considering the relief sought for in the present application, the respondents are directed to take all necessary steps to conclude the departmental proceeding within a period of nine months from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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