

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7908 of 2020

Vishwajit Kumar S/o Rajendra Prasad, Resident of Village and P.O. - Nanan
Nanand, P.S. - Silao, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Muzaffarpur Zone, District - Muzaffarpur.
5. The Deputy Inspector General of Police, Saran Range, District- Chapra.
6. The Deputy Inspector General of Police (Personnel), Bihar, Patna.
7. The Superintendent of Police, District- Gopalganj.
8. The Superintendent of Police, District- Saran.
9. The Sergeant Major-cum-Conducting Officer, Police Kendra Gopalganj, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Y.V. Giri (Sr. Advocate) with
	:	Mr.Sanjay Kumar Giri
For the Respondent/s	:	Mr.Manish Kumar (GP 4) with Mr. Ravi Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 06-01-2021

The petitioner has challenged an order dated 12.06.2020 passed by the Director General-cum-Inspector General of Police, Bihar issued vide Memo No. 1064 dated 15.06.2020 whereby exercising revisional powers under Rule 853 A (a) of the Bihar Police Manual, he has imposed punishment of dismissal from



service on the petitioner, who was at the relevant point of time, was posted in Gopalganj Town police station as a Constable.

2. An order passed on the same date dated 15.06.2020, in respect of one Ananjay Singh @ Ananjay Kumar Singh has been set aside by an order passed today in C.W.J.C. No. 7906 of 2020. This matter also relates to the occurrence, which had taken place on 16.08.2016 in Khajuria village under Gopalganj (Town Police station) in which 16 persons had died because of consumption of spurious liquor. Identical allegations were made against this petitioner in the charge memo dated 07.02.2017 with the same set of evidence, as was the case in the matter of **Ananjay Kumar Singh** (supra). In case of this petitioner also, the Enquiring Authority recorded in the enquiry report, the finding that the allegation against the petitioner stood proved. According to the Enquiring Authority, the defence of the petitioner that while posted as a Constable in the Police Station, was unaware of the ongoing trade of illicit liquor in a nearby village was not 'digestible' to him. In the petitioner's case also, the Superintendent of Police had imposed punishment of two black marks having the effect of stoppage of one increment with cumulative effect. In identical situation, the Deputy Inspector General of Police, Saran had referred the matter to the Police Headquarters with his



recommendation that the punishment imposed on him was not befitting the gravity of charge levelled against him. It can be easily discerned that the Director General-cum-Inspector General of Police has passed stereotype order in the present case also without discussing the petitioner's reply to the show cause notice, which was issued to him before passing of the impugned order.

3. In identical circumstance by an order dated 06.01.2021 passed in C.W.J.C. No. 7906 of 2020 (*Ananjay Kumar Singh*) (supra) this Court has quashed an order passed by the Director General-cum-Inspector General of Police. Accordingly, the order under challenge in the present writ application issued vide Memo No. 1064 dated 15.06.2020 is also quashed. The petitioner is directed to be reinstated forthwith. All consequences of quashing of the impugned order shall follow and accordingly the petitioner is directed to be reinstated forthwith. It is held that he shall be entitled to the full salary and other emoluments for the period during which he remained out of service because of the illegal order passed by the Director General-cum-Inspector General of Police.

4. For the same reasons discussed in the order dated 06.01.2021 passed in *Ananjay Kumar Singh* (supra), this application is allowed. Reasons assigned in the said order for



interfering with the impugned order shall form part of the present order.

5. All orders consequential to the impugned order dated 15.06.2020 stand quashed.

6. This application is allowed.

7. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

AKASH/-

AFR/NAFR	
CAV DATE	06.01.2021
Uploading Date	
Transmission Date	

