

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13987 of 2021

=====

Gauri Rani daughter of Shri Umesh Kumar Jha resident of Netaji Colony
Nasratkhani, Mohanpur, P.O.- Champanagar, P.S.- Lalmatiya Nath Nagar
O.P., District- Bhagalpur, Bihar- 812004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Range, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Deputy Superintendent of Police, Navin Police Kendra, Patna.
6. The Deputy Superintendent of Police, Law and Order, Patna.
7. The Inspector cum Station House Officer, Buddha Colony Police Station,
Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate
	:	Mr. Sudhanshu Trivedi, Advocate
	:	Mr. Manu Tripurari, Advocate
	:	Mr. Sujit Kumar, Advocate
	:	Mr. Prashant Bharadwaj, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC 8

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 08-12-2021

In the present petition, petitioner has prayed for following
relief/reliefs:

- “(i) Issuance of direction, order or writ in the nature of Certiorari
any other appropriate writ for quashing the Office Order No.
13624/2018 dated 04.11.2018 issued by the Senior Superintendent of
Police, Patna vide which the Petitioner has been dismissed from
service, for being violative of principles of natural justice and de hors
the service rules.
- (ii) Issuance of direction, order or writ in the nature of mandamus
commanding the concerned respondent authorities to reinstate the



Petitioner on the post of Sipahi (Constable) with consequential seniority.

(iii) Issuance of a direction, order or writ in nature of mandamus commanding the concerned respondent authorities to extend all the consequential benefits in favour of the Petitioner after reinstating her to the post of Trainee Constable.

(iv) Any other relief/reliefs that the Petitioner may be found to be entitled in the facts and circumstances of the present case.”

On 01.12.2021, the following order was passed:

“Perusal of the order, it is evident that petitioner has not been provided an opportunity of participation in the enquiry, show cause notice and her explanation. In this regard, the Inspector General of Police-3rd respondent is hereby directed to file an affidavit whether petitioner has been provided opportunity of participation in the process of enquiry after issuing show cause notice as to why she shall not be dismissed. Such affidavit must be filed before next date of hearing.”

Counter statement has been filed in which the question raised in the order dated 01.12.2021 has not been countered in other words the 3rd respondent Inspector General of Police admits that petitioner’s services have been dismissed without providing an opportunity of participation in the process of enquiry. Thus, the petitioner has made out a case on the short ground that she has not been provided an opportunity before her dismissal.

Hence, order of dismissal dated 04.11.2018 is set aside reserving liberty to the respondents to initiate disciplinary proceedings in accordance with law and complete within a period of six months from the date of receipt of this order. In the meanwhile, petitioner shall be taken back to duty forthwith and



extent all monetary benefits within a period of two months from
the date of receipt of this order.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2021
Transmission Date	NA

