

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1318 of 2019

In

Civil Writ Jurisdiction Case No.16146 of 2018

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Md. Rajjak @ Razzak, Son of Md. Shamsher, R/o Village- Gazipur Tarapur,
P.S.- Tarapur, District- Munger.

... .. Appellant

Versus

1. The State of Bihar.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Deputy Inspector of Police, Eastern Region, Bhagalpur.
4. The Senior Superintendent of Police Appointing Cum Disciplinary Authority, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. The Conducting Officer of Departmental Proceeding - Cum - Deputy Superintendent of Police Head Quarter.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Kritya Nand Jha, AAG-3

For the Respondent/s : Mr. Sanjay Kumar Ghosarvey, Ac to AAG-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE VIKASH JAIN)

Date : 25-10-2021

Heard learned senior counsel for the appellant and
learned counsel for the State.

2. The present Memo of Appeal has been filed by the
appellant for setting aside the order dated 05.09.2019 passed in
CWJC No.16146 of 2018 dismissing the writ petition.

3. The appellant was initially appointed as Constable on
02.09.2008 in the district of Bhagalpur. In course of discharging



his duty, he was deputed along with four other officials at Vikramshila Bridge TOP, Bhagalpur. A charge memo was issued on the basis of video footage in which the appellant along with the four others was identified as making illegal collection from the trucks. The appellant was asked for his show cause, which was duly furnished. In the departmental enquiry, he was saddled with the punishment of dismissal from service by order dated 13.03.2018 by the Senior Superintendent of Police, Bhagalpur on the basis of report of the Enquiry Officer. Thereafter, the appellant preferred an appeal before the Deputy Inspector General of Police, Eastern Region, Bhagalpur, which was dismissed by order dated 11.05.2018. The appellant did not also succeed in the memorial preferred before the Director General of Police, Bihar, Patna. Thereafter, the appellant approached this Court in CWJC No.16146 of 2018. After considering the relevant materials and after hearing the parties, the learned Single Judge dismissed the writ petition by judgment dated 05.09.2019, which is the subject matter of the present LPA.

4. Mr. Y.V. Giri, learned senior counsel appearing on behalf of the appellant, has reiterated his submission before us mainly to the effect that the order of dismissal has been passed without appreciating the pleas raised in his show cause. It has been



contended that the order of dismissal has been passed merely on the basis of report of the Officer-in-charge of the Police Station. The video footage itself has not been proved in absence of examination of the person who created the video footage. The person from whom illegal amount is said to have been collected has also not been examined. Reliance has been placed on the decision of the Apex Court in ***Roop Singh Negi Vs. Punjab National Bank & Ors reported in (2009) 2 SCC 570.***

5. Learned counsel for the State, on the other hand, submits that no interference in the impugned judgment of learned Single Judge is called for as the same has been passed after duly considering all the materials on record. There is no irregularity in the procedure adopted in the departmental proceeding nor is there any violation of principles of natural justice.

6. Having heard the parties and on a consideration of materials on record, we are not inclined to interfere in the matter.

7. At the outset, we take note of the observation made in paragraph 13 of the judgment of learned Single Judge from which it becomes appear that the petitioner has not approached this Court with clean hands. A specific statement has been made in paragraph 11 of the writ petition to the effect that the video footage in question was not supplied to the petitioner, but this statement was



found to be false as the video footage stored in the CD was in fact duly supplied to him. This is a serious lapse on the part of the appellant which disentitles him to the equitable relief under the writ jurisdiction of this Court.

8. There is ample material on record to indicate that the requisite documents were duly supplied to the appellant in the departmental proceedings. It is well settled that strict rules of evidence are not applicable in a departmental proceeding. On specific query being made by us, Mr. Y.V. Giri was unable to show that the petitioner had raised a grievance at any stage in the appeal or memorial, that the report of the Officer-in-charge was not made available to him or that he had demanded the same.

9. In the above circumstances, it cannot be said that the learned Single Judge has committed any error which necessitates interference by us. We are in complete agreement with the view taken by the learned Single Judge. Hence, the appeal is dismissed.

(Vikash Jain, J)

(Rajesh Kumar Verma, J)

V.K.Pandey/-

AFR/NAFR	NAFR
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