

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6989 of 2018

Arvind Kumar Son of Late Shivkant Pandey, Resident of Aadarsh Colony,
Road No. 2, Khemnichak, Police Station.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Region, Patna.
4. The Deputy Inspector General of Police, Sahabad Region, Dehri-on-Son.
5. The Superintendent of Police, Kaimur Bhabhua.
6. The S.D.P.O., Mohania-Cum-Conducting Officer.
7. The Officer-in-Charge, Chand Police Station-Kaimur, Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajib Ranjan Jha
For the Respondent/s : Mr.Md. N.H. Khan- Sc1

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

5 24-11-2021

Heard learned counsel for the parties.

In the instant petition, the petitioner has prayed for
following reliefs:

“For issuance of appropriate writ or writs, direction or directions for setting aside the order dated 18.12.2017 vide Memo No. 3380 passed by the Respondent No. 3 whereby and where under the revision application filed by the petitioner was treated by him as Second appeal and the same was found not maintainable and he directed the respondent no. 5 to inform the same and also for setting aside the order dated 12.10.2017 passed by the Respondent No. 4 whereby and where under the appeal filed by the petitioner in departmental proceeding No. 19/2017 was rejected and also for setting aside the order dated 10.07.2017 passed by the Respondent No. 5 in departmental proceeding No. 19/2017 whereby and where under the services of the petitioner



was terminated with immediate effect and or issuance of any other writ or writs under the facts and circumstances of the case.”

Learned counsel for the petitioner has submitted that impugned orders are in violation of Rules 17(3) and 17(4) of Bihar CCA Rules, 2005. Such contention was not disputed by learned counsel for the Respondent/State.

In the light of the aforesaid submission and legal contention raised by the petitioner and therefore, the matter is covered by the decision of this Court passed in ***Sonu Kumar Vs. State of Bihar 2021 SCC online Pat. 2225 decided on 22.09.2021.*** impugned orders dated 18.12.2017 (At Annexure-6), 12.10.2017 (at Annexure-5) and 10.07.2017 (at Annexure-7) are set aside and the matter is remitted back to the Disciplinary authority to initiate the disciplinary proceeding afresh from the defective stage and conclude the disciplinary proceeding within a period of four months from the date of receipt of the order. The petitioner would be entitled for all the consequential monetary and service benefits during the intervening period and the same shall be extended to him within a period of four months from the date of receipt of order.

The petition stands disposed of.

(P. B. Bajanthri, J)

Gaurav Kumar/-

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