

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 20157 of 2018

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Pappu Kumar Son of Sadanand Prasad Yadav, Resident of Village Danchakla,
P.O. Samsaina, P.S.- Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The Chairman, Central Selection Board of Constable, Computer Bhawan,
Jawahar Lal Nehru Road, Patna- 800023
4. The Deputy Inspector General of Police, Darbhanga Range Hanuman
Mandir Road, Laheriya Sarai, Darbhanga, Bihar 846001
5. The Superintendent of Police, Samastipur, District Collectorate Building,
Samastipur 848101

... .. Respondent/s

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For the Petitioner/s	:	Mr Madan Prasad Singh No 2, Advocate
For the S t a t e	:	Mr Dhurendra Kumar, AC to GP V
For the C S B C	:	M/s Sanjay Pandey, Binod Kr Mishra, Vivek Anand Amritesh, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and the
respondents.

The petitioner's counsel submits that the impugned order of termination dated 08.09.2015 is unsustainable being in contravention of the legal position emanating from the decision of the Apex Court in the case of *Avtar Singh -Versus- Union of India & Others, (2018) 1 Supreme Court Cases 268*. Submission is that petitioner's implication in the criminal case was not known to him at the time of submitting his verification role which he can demonstrate with reference to certain communication and facts.



The learned State Counsel submits that charge sheet had been submitted in the year, 2013. Therefore, the petitioner's plea, that he was not knowing about his implication in the criminal case, is unsustainable.

Considering the rival submissions, this Court would allow the petitioner an opportunity to show that his case is covered by any of the circumstances which may enure to his benefit in view of legal position arising out of decision of the Apex Court in the case of *Avtar Singh (supra)*.

The petitioner should make his detailed representation before Respondent No 2 with reference to any facts, documents or circumstances which he would like to bring to the notice of Respondent No 2 for his consideration.

If such representation is filed within three weeks, Respondent No 2 would be obliged to consider the same within eight weeks thereafter.

Writ petition stands disposed of.

While considering the petitioner's representation, the impugned order dated 08.09.2015 shall not stand in the way.

(Madhuresh Prasad, J)

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