

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.752 of 2019

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Om Prakash Sah Son of Sajawal Sah R/o Village and P.O.- Tadhwa Nandpur,
P.S.- Bairia, District- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Director General of Police, Old Secretariat, Bihar, Patna
2. The Inspector General of Police, Bhagalpur Range, Bhagalpur
3. The Deputy Inspector General of Police, Bhagalpur Range, Bhagalpur
4. The Senior Superintendent of Police, Bhagalpur
5. The Deputy Superintendent of Police-cum-Conducting Officer, 1st, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Advocate Mr. Santosh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8

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

Date : 12-04-2022

Heard the learned counsels for the parties.

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

“1. That, this is an application
for issuance of a Writ of Certiorari for
quashing the order of dismissal vide Memo
No. 1073 dated 13.03.2018 passed by
Senior Superintendent of Police, Bhagalpur
whereby and whereunder the petitioner has
been dismissed from the post of constable,
inter alia, the following

RELIEFS

(I). Memo No. 1073
dated 13.03.2018 passed by Senior
Superintendent of Police,



Bhagalpur be set-aside whereby and whereunder the petitioner has been dismissed from the post of Constable.

(II). The Appellate Order dated 11.05.2018 issued under Memo No. 517 passed by Dy. Inspector General of Police, Easter Zone, Bhagalpur be set-aside.

(III). Respondent Authorities be directed to reinstate the Petitioner on the post of constable with all consequential benefits.”

3. Petitioner is a co-delinquent official in an incident wherein one Ranjit Kumar was also involved. He had also exhausted certain departmental remedies and presented C.W.J.C. No. 11097 of 2019 and it was decided on 13.12.2021. The one and only difference in the case of Ranjit Kumar is penalty was modified from dismissal by the higher authority whereas in the present case there is no modification of penalty.

4. In the light of these facts and circumstances, the present petition is squarely covered by the decision rendered in the case of Ranjit Kumar decided on 13.12.2021 in C.W.J.C. No. 11097 of 2019. Hence impugned orders dated 13.03.2018 and 11.05.2018 stands set aside.

5. Accordingly, the present petition stands allowed in terms of the order dated 13.12.2021 passed in Ranjit Kumar's



case in C.W.J.C. No. 11097 of 2019. The matter is remanded to the disciplinary authority to pass penalty order other than dismissal/removal and compulsory retirement. It is also made clear that petitioner is not entitled to monetary benefits during the intervening period from the date of dismissal from service till passing of a fresh penalty order and re-instatement order. The above exercise shall be completed within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

