

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4083 of 2020**

Satish Kumar, aged about 27 years, Male, Son of Riju Sah, Resident of Village-Tekhathi, Ward No.3, Post Office-Bhan, Via-Mithai, Police Station-Madhepura, District- Madhepura

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Director General-Cum-Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Sahabad Range at Dehri-on-Sone.
4. The Superintendent of Police, Rohtas at Sasaram.

... .. Respondents

**Appearance :**

|                    |   |                                                             |
|--------------------|---|-------------------------------------------------------------|
| For the Petitioner | : | Mr. Ram Hriday Prasad with<br>Ms. Maruti Kumari, Advocates. |
| For the State      | : | Ms. Babita Kumari, AC to SC-1                               |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 21-09-2022**

Heard learned counsel for the petitioner and learned counsel for the State.

2. The facts, as per the petitioner's averment in the writ proceedings and submission of the learned counsel is that petitioner was selected as a constable and while filling up his verification form on 20.08.2015, he did not disclose pendency of a criminal case arising out of *Madhepura* Police Station Case No. 108/14.

3. The petitioner has been terminated/removed for misrepresentation during verification under Rule-673 of the Bihar Police Manual. The removal order dated 14.08.2018, issued by the



Superintendent of Police, Rohtas, as contained in Annexure-11 to the writ petition, was assailed by the petitioner in appeal before the Deputy Inspector of General of Police, Sahabad Range, which has also been rejected under order dated 31.01.2019, as contained in Annexure-15 to the writ petition. The memorial preferred against the said order before the Director General of Police has also been rejected on 30.10.2019, as contained in Annexure-17 to the writ petition. These three orders are impugned in the instant writ proceedings.

4. The petitioner's counsel has made some submissions highlighting the procedural lapse in the inquiry conducted against the petitioner in respect of allegation of misrepresentation in the process of verification. The fact of the petitioner's implication in *Madhepura* Police Station Case No.108/14, however, is not in dispute. The learned counsel has drawn the attention of the Court towards another fact being petitioner's implication pursuant to summons issued on 18.02.2016 in Complaint Case No. 572 of 2014(C), but submits that since the summons was issued much after the submissions of the verification form, it cannot be concluded by any stretch of imagination that the petitioner has suppressed pendency of the said complaint case as he was not in the knowledge of the same.



5. Having submitted so, it is also submitted that the petitioner stands acquitted in the proceedings arising out of Complaint Case No. 572 of 2014(C) as well as the criminal case arising out of Madhepura P.S. Case No. 108 of 2014. The submission is that these are mitigating circumstances which none of the Authorities have taken into consideration. It is also submitted that whether misrepresentation/suppression regarding petitioner's implication in *Madhepura P. S. Case No. 108 of 2014*, lodged against him, while he was a student is a fact sufficient to cancel the petitioner's enlistment or not, now has to be viewed, in view of the law declared by the Apex Court in Case of *Avtar Singh vs. Union of India & Ors.*, principles of which have been summarized in the said decision reported in *(2018) 1 SCC 268*.

6. For claiming relief based on declaration of law in the case of *Avtar Singh* (supra) and for raising the mitigating circumstances arising out of the petitioner's acquittal in the two cases, it is submitted that the petitioner would be approaching the Director General-cum-Inspector General of Police, Bihar, Patna (Respondent No. 2). If an application is filed before the Respondent No. 2, placing reliance on these facts within four weeks. The Respondent No. 2 would be obliged to consider the petitioner's claim in view of the settled legal position and pass



appropriate orders, in accordance with law, within a period of eight (08) weeks thereafter.

7. The writ petition is disposed of.

8. The earlier impugned orders shall not stand in the way of such consideration.

**(Madhuresh Prasad, J)**

shyambihari/-

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