

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5919 of 2020

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Gaurav Kumar S/o Late Satish Kumar Yadav R/o Vill and P.o.- Dal sagar, P.s.-
Industria Ara, Buxar, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home (Police) Department,
Govt. of Bihar, Patna
2. Director General cum Inspector General of Police, Bihar, Patna
3. Deputy Inspector General, Magadh Range, Gaya
4. Senior Superintendent of Police, Gaya
5. Chairman, Central Selection Board (constables appointment), Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Yash Singh, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC 8
		Mr. Anil Kumar, for State, AC to SC 8
For C.S.B.C	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kumar Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

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

Date : 29-03-2022

Heard learned counsel for the parties.

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

“(i) For issuance of an appropriate writ (s)/
direction (s)/ order (s) for setting aside the order
passed by Senior Superintendent of Police, Gaya vide
his Memo No. 3741/R.O. dated 30.10.2015,
corresponding District Order no. 2387/2015 by which
the services of the petitioner was abruptly terminated
from retrospective effect of 17.10.2015, without
initiating any departmental proceeding or issuing any
show cause notice to the petitioner.



(ii) For setting aside the order passed by the appellate authority, D.I.G, Magadh Range, Gaya contained in his letter No. 403/G.s. dated 11.04.2018, by which the appellate authority rejected the appeal of the petitioner in the most mechanical order without applying his mind.

(iii) For setting aside the order passed by the Director General cum Inspector General of Police, Bihar Patna contained in his letter No. 48/453844/L-1 dated 17.01.2020 of by which the memorial of the petitioner has been rejected on technical grounds, without considering the merit of the case and without considering the points raised by the petitioner.

(iv) For setting aside the order passed by Central Selection Board (constable's appointment) Bihar, Patna, vide its letter No. 1133/KHP dated 17.10.2015 by which Sr. S.P. Gaya was directed to file a criminal case against the petitioner for using 'Blue Tooth' during the written examination held for constable's appointment so that his appointment could be nullified.

(v) For appropriate declaration that the order of termination from the retrospective effect is nullity in the eye of law as such it never existed or in the alternative.

(iv) For a follow up direction to the respondent authorities to re – instate the petitioner with all consequential benefits.

(vii) For any other relief/consequential reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

3. On 10.01.2022, following order was passed:



“List this matter on 17.01.2022 so as to enable the State counsel to ascertain whether before order of termination enquiry has been held or not?”

4. Learned counsel for the petitioner on instruction from the disciplinary authority submitted that before passing of impugned order no enquiry was held. In the light of the aforesaid submission, the petitioner has made out a case.

5. Accordingly, impugned orders dated 30.10.2015, 11.04.2018, 17.01.2020 and 17.10.2015 stand set aside. Writ petition is allowed reserving liberty to the respondents to initiate enquiry and complete within a period of four months from the date of receipt of this order.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	30.03.2022
Transmission Date	

