

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10348 of 2021

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Rajbllam Kumar, Son of Ramdhni Prasad, Resident of Village-Garura, P. O.-
Garura, P.S.-Roh, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Police Department, Government of Bihar, Patna
2. The Inspector General of Police, Magadh Range, Gaya.
3. The Deputy Inspector General of Police (Karmik), Bihar, Patna.
4. The Deputy Inspector General of Police (Abhiyaan), Special Work Force, Bihar, Patna.
5. The Secretary, Bihar Police Sub-Ordinate Services Commission, Bihar, Patna.
6. The Special Work Officer, Bihar Police Sub-Ordinate Services Commission, Bihar, Patna.
7. The Superintendent of Police, Nawada.
8. The Sub Divisional Police Officer, Nawada.
9. The Deputy Superintendent of Police (Home), I.G. Office, Magadh Range, Gaya.
10. The Deputy Superintendent of Police (Rakshit), Police Quarter, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Ranjeet Kumar, Advocate Mr. Shikhar Mani, Advocate Mr. Ayush Kumar, Advocate Mr. Yogesh Kumar, Advocate Mr. Kanishk Kaustubh, Advocate
For the State	:	Mr. Ruchikar Jha, AC to SC8
For B.P.S.S.C.	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date : 31-08-2022

Learned counsel for the petitioner submits that
rejoinder has been filed online. Hard copy of the same is being
taken on record.

2. Writ petition has been filed for the following



relief/s:-

(i) For setting aside the order contained in Memo No.181/Go dated 29.12.2021 issued under the signature of Deputy Inspector General of Police, Special Work Force, Bihar, Patna whereby and whereunder selection of the petitioner for the post of Assistant Sub Inspector as against Advertisement No. 01/2017 was found not suitable due to concealment of criminal cases pending against him in the Acknowledgement Form whereas petitioner in his character verification form dated 25.04.2019 clearly mentioned that he has one criminal antecedent i.e. Roh P.S. Case No. 69/2015 (not named) which came into his knowledge in the year 2018 when the police affixed notice on his house whereas petitioner has submitted Acknowledgement Form on 16.11.2017 much prior to the knowledge of criminal pending against the petitioner and as such there was no concealment or suppression on the part petitioner rather occurred because of lack of knowledge.



(ii) For a direction upon the respondent authorities to consider the case of the petitioner once again giving benefit of doubt as the petitioner has no knowledge of criminal case at the time of filling of acknowledgment form and now police has submitted final form vide Charge sheet No. 125/2019 dated 30.09.2019 finding the case false against the petitioner and same was also approved by the Learned Trial Court and at present there is no criminal case pending against the petitioner.

(iii) For any other relief/reliefs for which the petitioner may be deemed entitled too.

3. The undisputed facts are that on 16.11.2017 the petitioner made his application form participating in the process of selection for the post of Assistant Sub Inspector of Police against Advertisement No.01 of 2017. It is also not in dispute that he was successful and was appointed to the Force. For the purposes of verification under Rule 673 of Bihar Police Manual the petitioner's verification form was scrutinized and during the course of verification it emerged that prior to submission of his application form for participating in the



process of selection the petitioner had been implicated in a criminal case being Roh P.S. Case No. 69 of 2015. The authorities, considering the fact that the petitioner had not disclosed his implication in the police case while submitted his application form along with verification form on 16.11.2017, got the issue enquired. The petitioner was called to be examined in respect of the allegation of him having suppressed his implication in a criminal case while participating in the process of selection. In the meantime, a report was also requisitioned from the Superintendent of Police, Nawada. The Superintendent of Police has submitted his report on 15.12.2020 bearing memo no.5330. The Deputy Inspector General of Police, during enquiry with the petitioner regarding the circumstances under which he had allegedly suppressed his implication in the criminal case, has examined the petitioner as well as the report submitted by the Superintendent of Police, Nawada. Having carried out such a process and relying upon Rule 673 (c) of the Bihar Police Manual which reads as follows:-

“(c) Enlistment orders.-- The order for enlistments shall then be entered in the order book, the service book shall be prepared and the verification roll despatched to the Superintendent of the district in which the recruits home is situated. The number and date of despatch shall be noted in the proper place in the service-book, and



on the return of the roll with a report that the man bears a good character and has made a truthful statement as to his antecedents, the Superintendent shall initial this entry, have the necessary entry made in the service-book and order the verification roll to be filed. If the character of the man is reported to be bad or his statement false, he shall be removed from the force.”

the petitioner has been removed from service in exercise of power under Rule 673(c).

4. The petitioner’s counsel submits that the petitioner was unaware of his implication while filling up the form. His *bona fides* is evident from the fact that, when he acquired knowledge of pendency of the criminal case in 2018, he has submitted the same before the authorities on 25.04.2019 itself in the second verification form submitted by him. It is further submitted that from the report of the Superintendent of Police, Nawada, it is obvious that the petitioner had no information regarding the criminal case. Lastly it is submitted that the petitioner’s implication in the case was based on extraneous consideration by his agnates and, as such, he has been absolved by submission of a final form on 30.09.2019.

5. The learned Counsel for the State, on the other hand, submits that falsity is evident from the petitioner’s



declaration dated 16.11.2017. It is an admitted position that the criminal case was pending since 2015 and disclosure of the same was not made in the application form along with verification form submitted on 16.11.2017. The circumstances, therefore, left the authorities with no option than to remove the petitioner in view of the express provision contained in Rule 673(c) of Bihar Police Manual.

6. On consideration of the rival submissions and material available on record, this Court would find that the report dated 15.12.2020 submitted by the Superintendent of Police, Nawada, which has been taken note of by the Deputy Inspector General of Police in the impugned order dated 29.12.2020, clearly states regarding the petitioner's implication during supervision at the instance of his agnates. It also clearly states that the petitioner was residing away from his house for the purposes of study and no written intimation was ever communicated to the petitioner regarding his implication in the police case. The other aspect of the matter, which is also not in dispute, is that the petitioner has submitted the information regarding pendency of the police case in his second verification dated 25.04.2019. The report of the Superintendent of Police, Nawada, apparently has been taken note of but not considered



by the Deputy Inspector general of Police while passing the impugned order. Having taken note of the facts emerging from the report, a conclusion has been recorded based only on the provisions contained in Rule 673(c) of Bihar Police Manual. The circumstances emerging from the report of the S.P., Nawada, are important in as much as it supports the case of the petitioner regarding there being no knowledge of pendency of the police case while filling up his application form. To determine whether the petitioner has suppressed the pendency of criminal case or not, another aspect of the matter which is relevant for consideration, is that on his own volition he has disclosed that fact in his second verification submitted on 25.04.2019, after coming to know about pendency of the criminal case.

7. In view of the aforesaid circumstances, the order of the Deputy Inspect General of Police dated 29.12.2020, which shows total lack of consideration of the aforesaid circumstances, is clearly unsustainable in law and is hereby quashed. Petitioner is thus entitled to all consequential benefits.

8. Before parting with the case, another aspect of the matter which is worth considering is that on submission of final form the petitioner has already been absolved of any



circumstance which may ensue from implication in his criminal case.

9. For the reasons above, writ application stands allowed.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.09.2022
Transmission Date	NA

