

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15501 of 2021

=====

Md. Imroj Alam Son of Md. Guljar Baitha, resident of Village - Mojahida,
Police Station- Parbata, Rampur Urf Rahimpur Inghish, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary cum Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The D.I.G. North Division, Bihar Military Police, Muzaffarpur.
4. Commandant, Bihar Military Police - 9, Jamalpur, Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Respondent/s : Mr. Manish Kumar (GP 4)

=====

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

Date : 05-01-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

Heard learned counsel for respective parties.

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

*“(i) To quash the order dated
19.06.2020 passed by Director General of
Police, whereby the memorial preferred by the
petitioner has been held to the time barred,
which order is illegal and unsustainable.*

*(ii) To quash the order dated
10.10.2018 passed in Kshetra Desh Sankhya
307/2018 by Deputy Inspector General of
Police, Bihar Military Police, Muzaffarpur
affirming the order dated 25.06.2018 passed
in Baldesh Sankhya 919/2018 by*



Commandant Bihar Military Police-9, Jamalpur whereby the petitioner who was working on the post of Constable was dismissed from service which order is illegal, arbitrary and unsustainable.

(iii) For a writ of mandamus that on quashing the above mentioned order, the Respondent Authority may be directed to reinstate the petitioner with all consequential benefit.

(iv) For any other relief to which the petitioner is entitled under law.”

On 06.12.2021, the following order was passed:-

“Short question for consideration in the present petition is that whether petitioner was involved in the criminal case as on 01.08.2015 or not? Even if he is involved in the criminal case, he had no knowledge as contended by the petitioner.

In this regard, State Counsel is hereby directed to ascertain from the Investigating Officer whether petitioner was summoned in the criminal case prior to 1.08.2015 so as to ascertain whether petitioner had knowledge of pendency of criminal case against him or not.

List this matter on 20.12.2021.”

Supplementary counter affidavit filed on behalf of the respondent in which it is stated that the petitioner did not have the knowledge of criminal case, therefore, there is no infirmity on



behalf of the petitioner in not filling the application form that he is involved in criminal case.

The Investigating Officer had not issued any summons in writing to the petitioner in respect of alleged involvement of petitioner in a criminal case as is evident from the additional counter affidavit.

In the light of these facts and circumstances, the selecting and appointing authority is hereby directed to re-examine the matter that the petitioner has not suppressed the material fact that he was involved in a criminal case as on the date of submission of application form for the post of Constable. Such decision shall be taken within a period of one month from the date of receipt of this order and extend all benefits including monetary benefits in accordance with law. Accordingly, the impugned orders dated 25.06.2018 (Annexure-9) and 10.10.2018 are set aside.

The present petition stands allowed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

