

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1107 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Sitamarhi

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MONA KUMARI W/o BABAN KUMAR CHAUDHARY R/o VILLAGE
AND P.O-JAGATPUR, P.S-RAHIKA, DISTRICT-MADHUBANI, AT
PRESENT DESIGNATED POST AS CONSTABLE SSB, No.171131365
(BIHAR)

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH THE DIRECTOR GENERAL OF
SSB, R.K. PURAM, NEW DELHI DELHI
2. INSPECTOR GENERAL, (PERS), GOVT. HEADQUARTERS, SILIGORI,
SSB, R.K.PURAM, NEW DELHI. DELHI.
3. INSPECTOR GENERAL, SILIGURI, FRONTIER HQR, SSB (WEST
BENGAL). WEST BENGAL
4. THE DEPUTY INSPECTOR GENERAL, JALPAGURI SECTOR HQR,
SSB, WEST BENGAL. WEST BENGAL.
5. THE COMMANDANT 17TH BATTALION SSB, FALAKATA, (WEST
BENGAL). WEST BENGAL.
6. MR. RISHIKESH KUMAR SRIVASTAVA SECOND-IN-
COMMAND,17TH BATTALION SSB, FALAKATA, (WEST BENGAL).
WEST BENGAL
7. RAVIKANT CHAUDHARY, SECOND-IN-COMMAND, 17TH
BATTALION SSB, FALAKATA, (WEST BENGAL). WEST BENGAL
8. AHANTHEM BOBOL,DEPUTY
COMMANDANT(MEDICAL),SECOND-IN-COMMAND,17TH
BATTALION SSB,FALAKATA,WEST BENGAL WEST BENGAL.
9. BIR BAHADU SINGH, DEPUTY COMMANDANT (MEDICAL),17TH
BATTALION SSB, FALAKATA, (WEST BENGAL). WEST BENGAL.
10. RAJ KUMAR THAKUR, ASI (GD), 17TH BATTALION SSB,
FALAKATA, (WEST BENGAL). WEST BENGAL
11. AHUTI SINGH, ASSISTANT COMMAND, 53RD BATTALION SSB,
SIMLABARI, (WEST BENGAL) WEST BENGAL.
12. MANOHAR LAL, SECOND-IN-COMMAND, 53RD, BATTALION SSB,
SIMLABARI, (WEST BENGAL). WEST BENGAL
13. INSPECTOR GENERAL, PATNA FRONTIER HQR, SSB, BIHAR BIHAR
14. DEPUTY INSPECTOR GENERAL, MUZAFFARPUR SECTOR, HQR,
SSB, BIHAR. BIHAR
15. COMMANDANT, 51ST BATTALION, SSB SITAMARHI (II)
INDUSTRIAL AREA, BIHAR. BIHAR
16. RAJU KUMAR SRIVASTAVA, SECOND-IN-COMMAND, 51ST
BATTALION, SSB, SITAMARHI (I) INDUSTRIAL AREA, BIHA.
SITAMARHI, BIHAR



17. ADJUTANTI, 51ST BATTALION, SSB SITAMARHI (II) INDUSTRIAL AREA, BIHAR. SITAMARHI, BIHAR
18. ABHISHEK KUMAR SINGH, INSPECTOR (ADMINISTRATION), 51TH BATTALION, SSB SITAMARHI (I) INDUSTRIAL AREA SITAMARHI, BIHAR
19. SRI DEVANAND, COMMANDANT, 71ST BATTALION, SSB, PIPRAKOTHI, MOTIHARI, BIHAR. MOTIHARI, BIHAR
20. THE DISTRICT MAGISTRATE, MADHUBANI. MADHUBANI.
21. DR. SATYA PRAKASH, IPS, SUPERINTENDENT OF POLICE, MADHUBANI, BIHAR. MADHUBANI.
22. SHRI HAR KISHORE RAI, IPS, SUPERINTENDENT OF POLICE, SITAMARHI, BIHAR. SITAMARHI, BIHAR.
23. THE MEDICAL SUPERINTENDENT, DMCH, DARBHANGA, BIHAR. DARBHANGA, BIHAR.
24. THE STATE OF BIHAR THROUGH THE HOME SECRETARY, GOVT. OF BIHAR, PATNA. PATNA.
25. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA. PATNA.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : Mr. Anshuman Singh, CGC

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 01-02-2022 Heard the parties through video conferencing.

The petitioner has filed the instant application for the following reliefs :

“(i) For issuance of writ in nature of mandamus and directing and commanding the Respondent authorities to investigate into the matter and shall take appropriate actions against the respondents who have involved in this case. Whereby and whereunder the matter related with physically and mantaly torture to the petitioner for demand of illegal gratifications as well as her husband to persuade to it. As such false allegations i.e. indiscipline,



Psychiatric etc. If you will not do so then dismissed from service to her husband. Due to such activities creates various problem by the respondents have not conform the probation period and several penalties. At last the respondents had succeeded to their ambitions and dismissed my husband on 26.8.2021.

(ii) For further direction to the respondents that to re-instate the husband of the petitioner and set aside the letter no. 51st Bn/SSB/ESTT/CRC/PF/CT (GD)/BC2021 1091-1115 DT 26.8.2021 issued by the competent authorities, 71st Battalion, SSB, Piprakothi, Motihari, Bihar.

(iii) For further direction to take independent inquiry against the respondents who have involved such conspiracy in collusion with other officials. After inquiry may penalized them all accused accordance with law.”

The facts, bereft of unnecessary details are that the husband of the petitioner was dismissed from service vide order dated 26.8.2021, a copy of which have been brought on record as annexure to the instant petition.

It is submitted by learned counsel for the petitioner that the petitioner's husband has already preferred an appeal before the appellate authority, however, the same is not being decided.

Having heard learned counsel for the parties, this application is disposed off with liberty to the husband of the petitioner Gautam Kumar Choudhary who was dismissed from service by the aforesaid order dated 26.8.2021 to prefer an appeal, if not already filed, before the appellate authority within a period of one month from today. The appellate authority will decide the appeal in accordance with law at the earliest



preferably within a period of six months from the date of receipt of a copy of this order or filing of the appeal, whichever is later.

The application stands disposed off with the above observations and directions.

(Partha Sarthy, J)

Prakash/-

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