

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17561 of 2018

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Kumari Manisha, D/o Shri Pratap Narayan Tiwari, R/o Village- Kundwa
Chainpur, P.S.- Kundwa, Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, Ministry of Home Affairs, Govt. of India, New Delhi
2. The Director General, Sashastra Seema Bal, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Inspector General, F.I.R. Hqrs Sashastra Seema Bal (SSB), Hqrs, Baiely Road, Patna.
4. The Deputy Inspector General, Sector Head Quarter SSB, Purnea, Bihar.
5. Dy. Inspector General, Sector Head Quarter, SSB Rangia, P.O.- Rangia, District- Kamrup (Assam).
6. The Assistant Director Pero-II, FHQ New Delhi.
7. The Commandant 24th Bn. SSB, Bathnaha, P.O.- Bathnaha (PIN 854316,) District- Araria.
8. Shri Vishal Bhalla, Assistant Commandant Recording Officer, SSB, office of the Commandant, 28th Bn., Araria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Sunil Kumar No.III, Advocate Mr. Bijendra Kumar, Advocate
For the Union of India	:	Mr.Anshuman Singh, CGC Mr. Ranjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-12-2022

Learned counsel for the petitioner, at the very outset, submits that he is confining his relief in the instant writ proceedings to quashing of the order dated 24.08.2018 passed by the Inspector General, Frontier Headquarters SSB, Guwahati, during pendency of the instant writ application.



2. The petitioner had earlier approached this Court by filing CWJC No.22032 of 2012. The background leading to filing of the said case was that on account of her misbehaviour while posted at various places, which included several incidents of indiscipline and misconduct, many of which were while she was in an inebriated condition, she was removed from the Force by holding her to be unsuitable for the post in terms of Rule 26 of the Sashastra Seema Bal Rules,2009 (hereinafter referred to as 'the Rules').

3. This Court had considered the petitioner's writ application and allowed the writ application to the limited extent that the appellate authority did not pass a reasoned and speaking order and as such, the order was unsustainable in the eyes of law.

4. Thereafter, the petitioner has filed her appeal, whereafter the petitioner's case was re-considered by the Deputy Inspector General and order (Annexure 14) was passed, which is dated 27.03.2018, rejecting the petitioner's appeal.

5. Subsequently, the Inspector General, Frontier Headquarters SSB, Guwahati has set aside the order dated 27.03.2018 holding the same to be without assigning reasons and a non-speaking order. The order has been set aside by holding the same to be not in compliance of the writ Court's order.

6. The Inspector General thereafter has passed a detailed and elaborate speaking order dated 24.08.2018, from which it is apparent



that this time the order is an exhaustive order, dealing with all the claims petitioner raised in her appeal.

7. From bare reading of this order, it is apparent that repeated misdeeds of the petitioner in an inebriated condition have been considered. Many of the instances of misconduct have been considered with reference to the petitioner's plea of being guilty of the allegations. The other instances of misconduct, which have been considered in the order, show that she has been repeatedly subjected to some punishment or the other. The order of the Inspector General dated 24.08.2018 leaves no room for doubt that in terms of Rule 26 of the Rules, the petitioner is unsuitable to be retained in the Force.

8. At this juncture, this Court would further add that discipline and orderly behaviour are of paramount consideration, for service under uniform Force Service like the instant service.

9. No procedural lapse is apparent from the order passed by the Inspector General, nor is there any assertion made in the interlocutory application filed assailing the order dated 24.08.2018, that the order is suffering from any procedural irregularity whatsoever.

10. In this background, the Court would be required to limit its judicial scrutiny under Article 226 of the Constitution of India to the decision making process. The law in this regard is settled by the Apex Court recently in the case of *Union of India & Ors. vs. P. Gunasekaran*, reported in (2015) 2 SCC 610.



11. This Court is thus of the view that the Inspector General in the impugned order dated 24.08.2018 has given due consideration to all issues, noted the various acts of indiscipline committed by the petitioner, many of which have been accepted by her. The nature of misconduct, which has repeatedly been committed, many a times in an inebriated condition, have in some instances brought down the morale of the Force as the petitioner has been found consuming liquor, creating nuisance and quarrelling with civilians outside the campus of the Force.

12. The petitioner has not been able to make out any infirmity within the scope of judicial review as per decision of the Apex Court in the case of *Union of India & Ors. vs. P. Gunasekaran* (supra).

13. For the reasons, indicated above, this Court is not inclined to interfere with the order dated 24.08.2018 passed by the Inspector General.

14. The writ application is dismissed.

(Madhuresh Prasad, J)

PNM

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

