

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1071 of 2023

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Arvind Kumar Singh, Son of Sri Rajgrihi Singh, resident of Village- Harpur,
Post Office- Harpur, Police Station- Rajpur, District- Buxar. Petitioner
Versus

1. The State of Bihar through Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patel Bhawan, Bailey Road, Patna.
3. The Inspector General of Police, Magadh Zone, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Central Selection Board (Constable Recruitment) Bihar, Patna through its Chairman.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Dr. Mayanand Jha, Senior Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8 Mr. Ruchikar Jha, AC to SC-8
For the Board	:	Mr. Sanjay Pandey, Advocate Mr. Binod Kumar Mishra, Advocate Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2023 Heard learned Senior Counsel for the petitioner and Mr. Ruchikar Jha, learned AC to SC-8 for the State as also Mr. Sanjay Pandey, learned counsel for the Central Selection Board (for Constable) Bihar (hereinafter referred to as “the Board”).

2. Petitioner in the present case is seeking the following reliefs:-

- “(i) For issuance of an appropriate writ/writs, order/orders, direction/directions for setting aside the order contained in Memo No. 2173 dated 24.11.2022 issued by the Inspector General of Police, Magadh Zone, Gaya, whereby he rejected the appeal preferred by the petitioner against his termination from service as a constable in Bihar Police by the Senior Superintendent of Police, Gaya;
- (ii) For setting aside the Gaya District Police order No. 2420/2015 contained in Memo No. 3778 dated 12.11.2015 whereby the petitioner



has been terminated from service as a constable without following the principles of Natural Justice and the C.C.A. Rules;

(iii) For issuance of an appropriate writ commanding the respondent authorities to reinstate the petitioner in service from the date of his illegal termination with consequential benefits;

(iv) For any other relief/reliefs to which the petitioner may be deemed entitled to in the eyes of this Hon'ble Court."

Brief facts of the case

3. It is the case of the petitioner that the Board came out with an advertisement no. 01/2014 inviting applications from eligible candidates for the appointment on the post of Constable in Bihar Police. The petitioner applied for the same and appeared in the written examination held on 19.10.2014. The petitioner having cleared the written examination was called for screening test and physical ability test scheduled to be held on 27.03.2015 and 02.04.2015 at Patliputra Sports Complex, Kankarbagh, Patna and Patna High School respectively for which admit card was issued to him. It is stated that the petitioner was allowed to appear in the test only after his biometric verification and matching of identity with his signature/thumb impression. The petitioner was declared successful and selection letter was issued to the petitioner vide Letter No. 414 dated 23.06.2015. Pursuant to that, the petitioner submitted his joining and he started discharging his duties. It is stated that in view of the letter bearing no. 1000 dated 28.09.2015



issued by the Officer on Special Duty of the Board, the Senior Superintendent of Police, Gaya sent two newly appointed Constables to the Board's Office including the petitioner on the allegation of some irregularity committed by them in the selection. The petitioner appeared before the Board on 05.10.2015 where it was alleged that he got success in the written examination by the use of Bluetooth. It is the case of the petitioner that he was brutally beaten and allegedly, he orally confessed the allegation.

4. It is stated that a letter bearing no. 1068 dated 05.10.2015 was issued by the Officer on Special Duty of the Board addressing the Senior Superintendent of Police that the petitioner indulged in unfair means to get success in examination, so action be taken against him. Accordingly Rampur P.S. Case No. 248 of 2015 was registered for the offences under Sections 419, 420, 467, 468, 471/34 of the Indian Penal Code and the petitioner was remanded to judicial custody.

5. It is stated that during that period, the petitioner was terminated from the service vide order no. 2420/2015 contained in the Memo No. 3778 dated 12.11.2015 (Annexure 'P4' to the writ application) issued under the signature of Senior Superintendent of Police, Gaya.

6. The petitioner aggrieved by the order of dismissal filed CWJC No. 17898 of 2017 and the same was disposed of with



the direction to avail the statutory remedy of appeal vide order dated 20.04.2022. Thereafter the petitioner preferred an appeal before the the Appellate Authority which got rejected vide Memo No. 2173 dated 24.11.2022 (Annexure 'P7').

7. Being aggrieved by the order of the Appellate Authority, the petitioner preferred revision/memorial before the Director General of Police, Bihar on 20.01.2023 with a request to reinstate him.

Submission on behalf of the Petitioner

8. Learned Senior Counsel for the petitioner submits that this case is identical to CWJC No. 4515 of 2017 and other analogous cases which have been allowed by this Court vide order dated 10.04.2023. It is submitted that similar order may be passed in the present case also.

Submission on behalf of the State

9. Mr. Ruchikar Jha, learned AC to SC-8 admits that this case is identically situated with that of CWJC No. 4515 of 2017 and other analogous cases, hence, it would be covered by the order dated 10.04.2023 passed by this Court in those cases.

Consideration

10. In CWJC No. 4515 of 2017, having considered the entire materials and submissions of the parties, this Court allowed the writ application, the operative part of the order reads as under:-



“25. In the nature of the submissions and the materials present on record and there being an admitted position that no Presenting Officer was appointed, this Court sets aside the impugned order of dismissal and the appellate order in all these writ applications and directs the concerned disciplinary authority to conduct the disciplinary proceeding from the stage of inquiry afresh in accordance with the procedures laid down under Rule 17 of the Service Rules governing the employment of these petitioners and take an appropriate decision thereon within a period of four months from the date of receipt/production of the copy of this order.

26. Needless to say that in terms of the Hon’ble Constitution Bench judgment in case of B. Karunakar (supra), the disciplinary authority shall take an appropriate decision as regards reinstatement for purpose of conducting the disciplinary proceeding only. Other consequential benefits, if any admissible to the petitioners would depend upon the result of the disciplinary proceeding.

27. These writ applications are allowed to the extent indicated hereinabove.”

11. In the aforesaid view of the matter, the impugned orders as contained in Annexures ‘P4’ and ‘P7’ are hereby set aside and the writ application is allowed in terms of the order dated 10.04.2023 of this Court passed in CWJC No. 4515 of 2017 and other analogous matters.

(Rajeev Ranjan Prasad, J)

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