

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2593 of 2023**

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Anuplal Mehta, Son of Kishor Kumar Kishor, Resident of Village- Bhane Bigha, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Director General of Police, Bihar, Patna.
3. D.I.G. of Police, Bihar, Special Armed Police Central Zone, Patna.
4. Commandant, Bihar Special Armed Police-5, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ram Hriday Prasad, Adv  
For the Respondent/s : Md. Fazle Karim, AC to SC-4

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      15-09-2023                      1.    Heard learned counsel for the petitioner and  
learned counsel for the State

2.    The petitioner has been dismissed from service vide order dated 9-3-2019 (Annexure-5). He was a constable in the Bihar Military Police-5 (BMP-5), Patna.

3.    The learned counsel for the petitioner submits that the extreme punishment of dismissal has been awarded. His reply to the second show-cause, having regard to the manner in which the petitioner was forced into solemnizing second marriage, was required to be considered as a mitigating factor, which has not been done. Under similar circumstances, another constable in another BMP, Battalion has been awarded a



punishment of withholding of annual increments for one and a half years, which also is a major punishment in terms of the Bihar Police Manual. Petitioner raised this issue of the punishment being disproportionate to the allegations having regard to the circumstances. He also claimed parity, but this aspect does not find consideration in the order passed by the Director General of Police (DGP) on his memorial.

4. With a view to this limited submission, the order of the DGP dated 22-11-2022 (Annexure-9) has been gone through by this Court. After taking note of the submissions advanced by the petitioner and after claiming to have gone through the records of the inquiry, the DGP has directed as follows:

"उक्त आदेश के विरुद्ध अपचारी द्वारा अधोहस्ताक्षरी के समक्ष अपील मेमोरियल अभ्यावेदन समर्पित किया गया, जिसमें समीक्षोपरांत पाया गया कि विभागीय कार्यवाही का संचालन विधिवत किया गया है। अपचारी द्वारा समर्पित अपील मेमोरिल अभ्यावेदन में कोई नया तथ्य प्रस्तुत नहीं किया गया है, जिसे अनुशासनिक / अपीलीय प्राधिकार द्वारा पारित आदेश में संशोधन किया जा सके।

अतः उपर्युक्त वर्णित तथ्यों के आलोक में अनुशासनिक / अपीलीय प्राधिकार के मंतव्य से सहमत होते हुए अपचारी सि० / 818 अनुप लाल मेहता द्वारा समर्पित अपील मेमोरियल अभ्यावेदन को अस्वीकृत किया जाता है"

5. It is obvious that the petitioner's plea of parity with the other constable, namely, Gopal Paswan placing reliance on



the order passed against him on 9-9-1996, has not been considered by the DGP.

6. For such limited consideration, the matter is being remanded. Let the DGP (Respondent No. 2) take a final decision with respect to the quantum of punishment based on parity as claimed by the petitioner.

7. The petitioner would be at liberty to submit the points for consideration afresh along with a copy of this order. If the same is filed within four weeks, the DGP would be obliged to dispose it of by a reasoned and speaking order, in accordance with law within eight weeks thereafter.

8. Earlier order of the DGP dated 22.11.2022 (Annexure-9) shall not come in the way of such reconsideration.

9. Writ application is disposed of.

**(Madhuresh Prasad, J)**

SUMIT/-

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