

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4956 of 2020

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Raja Ram Singh Son of late Maheshwari Prasad Singh, R/o Ward No. 13,
Gautam Nagar Gangjala, P.S. Saharsa Sadar, District- Saharsa (presently
residing at - Village- Garh Burari (West), P.S. Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Deputy Inspector General of Police, Eastern Range, Bhagalpur, Bihar.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Advocate Mr. Harsh Vardhan, Advocate Mr. Awadhesh Kumar, Advocate
For the Respondent/s	:	Mr. P.K.Verma (AAG-3) Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 22-12-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for
quashing the order dated 13.12.2019 issued vide Memo
No.1146/450647/L-1, under the signature of Director General of
Police, Bihar, Patna, which has been communicated to the
petitioner, under the signature of Senior Superintendent of
Police, Bhagalpur, vide Memo No.6767 dated 31.12.2019, in
connection with Bhagalpur District Departmental Proceeding



No.16/2017 (amended Departmental Enquiry (Proceeding) No.15/2017), whereby the Director General of Police has proceeded under Rule 853A(a) of the Bihar Police Manual and has set aside the punishment of withholding/forfeiture of increment of two years (equivalent to three black marks), which was inflicted upon the petitioner by the appellate authority and the Director General of Police imposed the punishment of dismissal from service upon the petitioner and further prayer is that the Director General of Police has wrongly assumed the power under Rule 853A(a) of the Bihar Police Manual, 1973. Learned counsel further prayed for a direction for payment of consequential benefits after setting aside the order dated 13.12.2019 issued vide Memo No.1146/450647/L-1 to be made by the respondent authorities.

3. Learned counsel for the petitioner submits that for an event dated 16.06.2017, which has alleged to be taken place at Bhagalpur. A letter has been issued vide Annexure-1 against four persons including the present petitioner and all the four persons were suspended with immediate effect, but their suspensions have been removed subject to the Departmental Proceeding. Counsel for the petitioner submits that the departmental proceeding of all the four delinquent started



separately. The petitioner was an A.S.I. and in the inquiry report, which is Annexure-9, the involvement of the petitioner was not found clear, but only thing which has been found against him that he ought to communicate the information to the superiors which has not made and it is due to this reason his involvement is alleged to have been made in such wrong. On the basis of which, punishment order was passed by the Disciplinary Authority, which has been challenged by the petitioner in appeal before the Inspector General of Police, Bhagalpur Range, Bhagalpur.

4. Upon hearing the same the appellate order has been passed in favour of the petitioner and order for removal from service has been set aside and only increment of salary for two years were forfeited which is equivalent to three black marks having no cumulative effect in future. Counsel for the petitioner submits that the said appellate order was notified vide Memo No.1038 dated 30th of August, 2018 by the order of the Inspector General of Police, Bhagalpur Range, Bhagalpur. Counsel for the petitioner submits that he was well satisfied from the said order passed by the appellate authority, but he surprised to receive a show-cause in which the Director General of Police usurping the power of Bihar Police Manual under Rule



853A(a) has issued a show-cause notice and finally passed the order on 13.12.2019 by which he has imposed the punishment of dismissal from service. Counsel for the petitioner submits that the petitioner has challenged the order passed by the Director General of Police dated 13.12.2019 as the said order is absolutely illegal and in complete violation of Rule 853A(a) of the Bihar Police Manual. Counsel further submits that the Director General of Police has passed order in the Memorials of other three persons who is alleged to have been involved in the said wrong and those delinquents have challenged the order passed in their respective memorials as well as order passed by the appellate authority. But here in the present case, the petitioner has challenged only order passed in the memorial. He has not challenged the order passed by the appellate authority. Learned counsel for the petitioner submits that the reasoning assigned by this Hon'ble Court in order dated 13.12.2021 passed in CWJC No.11097 of 2019, particularly, the order passed by Director General of Police is identical and it is due to this reason the order passed by Director General of Police is bad-in-law and he submits that the said order ought to be set aside.

5. Learned counsel for the State submits that by



virtue of not challenging the order passed by the appellate authority the petitioner has accepted the said order and on the basis of the pleading made by the petitioner the only grievance of the petitioner is that the order passed in memorial based under Rule 853A(a) of the Bihar Police Manual, 1973.

6. In the light of the submissions made, this Court has not scrutinized the order passed by the appellate authority against the petitioner; rather this Court only scrutinized the order passed by the Director General of Police against the petitioner dated 13.12.2019 and agree on the reasoning assigned by this Hon’ble Court passed in CWJC No.11097 of 2019 and, therefore, the order passed vide Memo No.1146/450647/L-1 dated 13.12.2019 by the Director General of Police, Bihar, Patna, is hereby set aside. Accordingly, the writ petition is allowed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2023
Transmission Date	NA

