

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8762 of 2016

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Jai Prakash Mishra Son of Late Bhagwan Mishra, Resident of Mohalla-
Chandi Asthan Road, Police Station- Kotwali, District- Munger.... ...
Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Homw,
Govt. of Bihar, Old Secretariat, Patna
 2. The Director General Of Police, Old Secretariat, Patna.
 3. The Inspector General of Police, Old Secretariat, Patna.
 4. The Deputy Inspector General of Police Shahabad, Range Dehri-on-sone,
Rohtas at Sasaram.
 5. The Superintendent of Police, Bhojpur at Arrah.
 6. The Deputy Superintendent of Police H.Q. Ist.- cum-Enquiry Officer,
Bhojpur at Arrah.
 7. The Reserve Police Inspector, Bhojpur, Arrah.
 8. The officer- Incharge, Chandi Police Station, District- Bhojpur, Arrah.
- Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Narayan Singh, Advocate
	:	Mr.Kundan Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Ajit Kumar, G.A.-9

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 12-12-2023

Heard Mr. Aditya Narayan Singh, learned counsel
appearing for the petitioner assisted by Mr. Kundan Kumar Sinha,
learned counsel and Mr. Ajit Kumar, learned G.A.-9 for the State.

2. The present writ application has been filed for
quashing of the order dated 2.3.2016 passed by the Deputy
Inspector General of police Shahabad Range Dehri-On-Sone
(Respondent No.4) pursuant to the order dated 30.03.2012 passed
in CWJC No.9128 of 2007.



3. Initially the petitioner has challenged the order bearing Memo No. 146 dated 09.02.2007, whereunder punishment was inflicted on him after conclusion of the departmental proceeding initiated in terms of chargesheet dated 22.09.2002, where from it appears that petitioner required undue unauthorized absence from 07.02.2000 till the date of issuance of the chargesheet i.e. on 22.09.2002 on the ground that the same has not been served upon him. In CWJC No. 9128 of 2007 the Hon'ble Court after hearing the parties had directed the petitioner to file an appeal in terms of the Rule prescribed in the police manual and pursuant to the order dated 30.03.2012 the petitioner has filed an appeal before the Director General of Police on 31.07.2015 and the Director General of Police has endorsed the same to the D.I.G., Sahabad Range. The appeal was against the order of D.I.G., Sahabad Range who has passed the earlier punishment order against the petitioner.

4. It is settled principle of law that the person/authority who have passed the order, cannot be heard the appeal, such authority are not legal and proper to pass the order, in the aforesaid background, the order dated 02.03.2016 is set aside and the Director General of Police is required to look into appeal of the petitioner (Annexure-8) of the writ petition and pass an



appropriate order in accordance with law within a period of three months from the date of receipt/production of a copy of this order and the Director General of Police is required to communicate the said order to the petitioner. If the order is in favour of the petitioner, the consequential benefits shall also be paid within next three months.

5. Accordingly, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2023
Transmission Date	14.12.2023

