

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16658 of 2013

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Dev Pujan Tiwari Son Of Late Nageshwar Tiwari Resident Of Birla Colony,
P.S. Phulwari Sharif, District - Patna, Presently Posted As Assistant Sub -
Inspector Govt. Of Rail Police, Patna Jn. At Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Home Secretary, Govt. Of Bihar, Patna
3. The Director General Of Police, Bihar, Patna
4. The Deputy Inspector General, Tirhut Range, Muzaffarpur
5. The Senior Superintendent Of Police, District - Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Pathak, Adv.
For the Respondent/s : Mr. Alok Kumar Rahi, AC to AAG-4

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 2 16-01-2023 1. The petitioner by way of this writ petition assails the order dated 06.02.2012 passed by the Senior Superintendent of Police, Muzaffapur, whereby he was punished with stopping of one increment for six months, which shall be equal to one black spot and the salary apart from subsistence allowance has been withheld and the period of suspension has been included in the extraordinary leave.
2. The counter affidavit has been filed. It is stated that on the charges levelled an enquiry was conducted, where the petitioner was given an opportunity to cross examine the witnesses and delinquent has submitted his reply reiterating his



reply to the charge sheet and the punishment has been awarded accordingly. It is prayed that no interference is warranted.

3. I have carefully considered the submissions and I find that the departmental proceedings have been conducted as per law and the petitioner was given due opportunity to put up his defence. The allegation against the petitioner is that while he was on evening patrol of the area, an incident of loot occurred. The petitioner has put up a defence that the area where the incident of loot occurred did not fall in his jurisdiction and patrolling duty, and therefore, he cannot be held responsible for the same. The said aspect has not been found satisfactory by the respondents and a punishment has been awarded.

4. This Court would not act as an appellate body and would not substitute its opinion to that of the disciplinary authority and the appellate authority. Further this Court finds that a constable cannot abrogate himself from his duty merely because a particular area does not fall within his police station limit. Police officials are required to remain on duty for all times and has to perform his duty if he finds any incident or crime being committed by any unsocial element.

5. Keeping in view thereto, the punishment awarded to the petitioner does not warrant interference.



6. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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