

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14816 of 2010

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Jitendra Kumar Singh, S/o, Shri Ram Raj Singh, R/o Vill.- Kundesar, P.S.-
Shahpur, Distt.- Bhojpur (Bihar)

... .. Petitioner/s

Versus

1. The Union of India through the Director General, Central Reserve Police Force, New Delhi
2. The Director General, C.R.P.F., New Delhi
3. The Inspector General of Police, North Sector, C.R.P.F., New Delhi
4. The Deputy Inspector General of Police, Range Ist C.R.P.F., Ajmer (Rajasthan)
5. The Deputy Inspector General of Police Group Centre, Ist C.R.P.F., Ajmer (Rajasthan)
6. The Commandant, 33, Battalion C.R.P.F, Mankholi, Tinsukiya (Assam)
7. The Assistant Commandant, 33, Battalion C.R.P.F., Mankholi, Tinsukiya (Assam)
8. The Deputy Inspector General of Police, C.R.P.F., Training Centre, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Advocate Mr. Natraj Verma, Advocate Mr. Ram Kumar Singh, Advocate
For the Respondent/s	:	Mr. N.A. Shamsi, ASG Mr. A.K. Pandey, SCGC Mr. Ravinder Kumar Sharma, Advocate
For the State	:	Mr. Sangha Mitra Gosh, AC 10 to GA7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 22-03-2023

Heard learned counsel for the respective parties.

In the instant petition, petitioner has prayed for the
following reliefs:-

*“That the petitioner craves
indulgence of this Hon’ble Court for
issuance of an appropriate writ in the
nature of certiorari for quashing the*



order dated 18.03.2010 passed by respondent no. 3 as contained in Annexure-11 to this petition, in R-13-26/2009 whereby and whereunder learned respondent no.3 has been pleased to dismiss the revision application filed on behalf of the petitioner and confirm the order dated 14.07.2009 passed by the Deputy Inspector General of Police Range Ist, C.R.P.F. (respondent no.4) in order no.139/09 as contained in Annexure-10 and order dated 04.02.09 passed by respondent no.6 in Case No. P-8-3/05 Est. 2-33."

On 20.07.2022 the following order was passed:-

"Disciplinary authority is hereby directed to file an affidavit as to whether in the departmental enquiry proceeding launched against the petitioner; whether presenting officer was appointed to present the departmental case or not? If such affidavit is not filed before the next date of hearing, petition would be allowed only on the ground that presenting officer was not appointed in the departmental enquiry launched against the petitioner. Re-list this case on 01.08.2022."

Learned counsel for the respondents vehemently contended that appointment of presenting officer concept is not part and parcel of Rules.

In identical matter, this Court in **LPA No. 982 of 2018 (Radhe Shyam Singh Vs. The State of Bihar & Ors.)** on



27.02.2023 held that presenting officer in departmental inquiry is mandatory. Therefore, in the light of the order passed in the aforesaid Letters Patent Appeal, the impugned orders dated 18.03.2010 (Annexure-11), 14.07.2009 (Annexure-10) and 04.02.2009 (Annexure-9) are set aside and the matter is remanded to the disciplinary authority to decide disciplinary proceedings afresh from the defective stage, namely, in appointing presenting officer to present the departmental case before the Inquiring Authority and conclude the departmental inquiry within a period of six months from the date of receipt of this order.

Accordingly, the present writ petition stands allowed in part.

(P. B. Bajanthri, J)

kamlesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.03.2023
Transmission Date	N/A

