

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19207 of 2015

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Md. Nuruddin son of Md. Moizuddin, Resident of Mohalla- Khalilpura, P.S.-
Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur
4. The Superintendent of Police, Vaishali, Surgent Major, Police Centre, Hajipur
5. The Thana Incharge, Raghapur Police Station- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Avinava Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG 13
		Mr. Arya Achint, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 04-12-2023

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. This writ petition has been filed for quashing the order dated 27.04.2015 and communication dated 28.04.2015 issued by the Superintendent of Police, Vaishali (respondent no. 4) by which the engagement / appointment of the petitioner on the post of Special Auxiliary Police has been terminated.

3. The petitioner was engaged on the post of Special Auxiliary Police SAP No. 3082 on 10.05.2006 and in the year 2015, when the petitioner was posted in Raghapur Police



Station his wife died and he fixed a dated i.e. 25.02.2015 for spiritual ceremony in his resident and for that the petitioner gave application before the authority concerned for granting leave for the above purpose and considering his application he was granted leave for 10 days. And after granting leave for 10 days the officer in charge, Raghopur did not permit him to go to attend the spiritual ceremony of his wife and the officer in charge had submitted a report to the Superintendent of Police against the petitioner and the Superintendent of Police relied upon the report of the officer in charge, sent a letter to D.I.G, Tirhut Range, Muzaffarpur making recommendation for termination of the engagement of the petitioner as SAP on 24.03.2015 vide letter n o. 786 (Annexure-3) and during pendency of matter before the D.I.G, Tirhut Range, Muzaffarpur, the Superintendent of Police, Vaishali has terminated the engagement of the petitioner on 27.04.2015 with effect from 28.03.2015.

4. Learned counsel for the petitioner further submits that the Superintendent of Police, Vaishali without making proper verification and without providing opportunity of hearing or show cause or to seek any explanation from the petitioner has passed the impugned order. In other word, the impugned order



has been passed without following the principle of natural justice.

5. Learned counsel for the State on the other hand submits that the impugned order has passed in accordance with the law and there is no need to hear the petitioner.

6. In view of the aforesaid, it appears that the impugned order has been passed behind the back of the petitioner and it is in violation of principle of natural justice. The impugned order dated 27.04.2015 has been set aside and the matter be remanded back to the Superintendent of Police to hear the matter afresh after giving due opportunity of hearing to the petitioner and pass an appropriate order in accordance with law within a period of 3 months from the date of production of the order.

7. Accordingly, the writ petition stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.12.2023
Transmission Date	N/A

