

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25506 of 2013

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Babu Saheb Paswan Son Of Late Soti Paswan Resident Of Village- Kaithahi,
P.S. Raj Nagar, District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Director General - Cum- Inspector General Of Police, Bihar, Patna
3. The Additional Director General Of Police, Patna
4. The Inspector General Of Police, Bhagalpur, District- Bhagalpur
5. Deputy Inspector General Of Police, East Zone, Bhagalpur, District- Bhagalpur
6. Superintendent Of Police, Banka, District- Banka
7. Superintendent Of Police, Nalanda, District- Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate
For the Respondent/s : Mr.Rajesh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 12-07-2023

1. The present petition has been filed seeking the following reliefs :-

“(i) For issuance of direction, orders or writs in the nature of a certiorari setting aside the order dated 12.07.2012 in Memo No. 3036/L-1, issued under the signature of respondent Director General of Police, Bihar, Patna as contained in Annexure - 6 and also continuously setting aside the order dated 08.08.2011 in Memo No. 1264/R.Ka. issued under the signature of Superintendent of Police, Banka as contained in Annexure- 4



whereby and whereunder respondents have arbitrarily and illegally cancelled the appointment of the petitioner after eighteen years without valid justification merely and technical ground.

(ii) For issuance of direction, orders or writs in the nature of a mandamus commanding the respondents authorities to allow the petitioner to continue on the post and also pay him consequential benefits of salary etc. of the post of Hawaldar on Bihar Police Service.”

2. At the outset, the learned counsel for the respondent- State has submitted that the petitioner has been convicted by a judgment dated 29.06.2011, passed by the Learned Court of Additional Sessions Judge, F.T.C. no. 1, Banka in Sessions Trial case no. 579 of 2007 under Section 376 of the Indian Penal Code and has further been sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs. 50,000/-, by an order dated 30.06.2011, hence the petitioner is not entitled to any relief at the moment.

3. The learned counsel for the petitioner submits that the petitioner has challenged the aforesaid judgment and order dated 29.06.2011 and 30.06.2011, respectively, by filing a



criminal appeal before this Court bearing Cr. Appeal (S.J.) no. 849 of 2011 and the same has been admitted for hearing, hence, the petitioner be granted liberty to agitate his aforesaid grievances including that of assailing the order of punishment of dismissal from service, after the final outcome of the aforesaid appeal, which is pending adjudication before this Court. Liberty so sought, is granted.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2023
Transmission Date	NA

