

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.711 of 2021**

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Braj Kishore Singh Son of Late Ram Naresh Singh Resident of Village-  
Chaurikala, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Bihar, Patna.
2. The Director General-Cum- Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Magadh Range, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Sub- Divisional Police Officer-cum- Enquiry Officer, Gaya.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                                              |
|----------------------|---|----------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Upendra Mishra, Advocate<br>Radha Mohan Pandey, Advocate<br>Sanjeeb Kr. Sanghi, Advocate |
| For the State/s      | : | Md. Nadim Seraj, GP-5<br>Mr. Shailesh Kumar AC to G.P.-5                                     |

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

**Date : 26-04-2023**

Mr. Manoj Kumar Ram, Dy. S.P. (Reserve) is present in  
Court.

2. Heard learned counsel for the respective parties.

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

*"(I) For quashing the Enquiry  
report dated 20.10.2018 submitted  
against the petitioner by the Sube-  
Divisional Police Officer-cum-Enquiry  
Officer, Gaya (Respt. No.5) holding him  
guilty of the charges dated 21.05.2018  
leveled against him in departmental  
proceeding no.42/18, Gaya District  
Police.*



*(II) For quashing the Appellate order contained in Magadh Range, Gaya, District order No.1367/19, vide memo no.877 dated 21.06.2019 passed by the D.I.G. Magadh Range, Gaya (Respt. no.3) the recommendation of the senior Superintendent of Police, Gaya, whereby and where under the petitioner has been dismissed from service.*

*(III) For quashing the order contain in Appeal memorial No.38/2020/308, dated 20.08.2020 passed by the Additional Director General-cum-Inspector General of Police, Bihar, Patna, (Respondent No.2) whereby and were under memorial appeal filed by the petitioner has been rejected and the appellate order has been confirmed by the Respondent No.2.*

*(IV) For quashing the departmental proceeding no.42/18, Gaya, District Police, initiated against the petitioner.*

*(V) For directing the Respondents to reinstate the petitioner in service with all consequential and monetary benefits.*

*(VI) For any other relief/reliefs for which the petitioner my be found entitled to."*

2. Petitioner was subjected to disciplinary proceedings vide order dated 10.09.2017 and it was reached the state of issuing second show cause notice on 23.01.2018 while furnishing copy of Inquiring Officer's Report to the petitioner in seeking explanation.



When things stood thus, competent and disciplinary authority initiated a fresh inquiry *vide* Departmental Proceeding No. 42 of 2018 and it was concluded in imposition of penalty of dismissal on 21.06.2019, hence, the present petition. On 05.04.2023, the following order was passed:-

*"learned Counsels for the respondents are hereby directed to secure complete records.*

*The disciplinary authority is hereby directed to depute an official who is well conversant with the matter in order to ascertain to the extent that how first inquiry initiated got terminated and second inquiry is under which provision of law.*

*Re-list this matter on 26.04.2023."*

3. Today, learned counsel for the respondents fairly submitted that there is no provision for initiation of second inquiry when the first inquiry was in vogue.

4. In the light of these facts and circumstances, the petitioner has made out a case. Accordingly, the impugned orders dated 21.05.2018 (Annexure P-8), 20.10.2018 (Annexure P-9), and 21.06.2019 (Annexure P-11) are set aside.

5. Reserving liberty to the disciplinary authority to proceed in Departmental Proceeding No. 110 of 2017 in accordance with law. If the disciplinary authority has not furnished Inquiring Officer's Report along with the second show cause



notice dated 23.01.2018 the same shall be examined, in the event of non-supply of Inquiring Officer's Report, copy of the Inquiring Officer's Report shall be furnished to the petitioner. The petitioner is hereby directed to furnish his reply to the second show cause notice along with the Inquiring Officer's Report afresh within a period of two months from the date of receipt of this order. Thereafter, the disciplinary authority is hereby directed to take note of and complete inquiry proceeding relating to Departmental Proceeding No. 110 of 2017 and conclude the same within a period of three months from the date of receipt of petitioner's reply to the show cause notice along with the Inquiring Officer's Report.

6. With the above observations, the present writ petition stands allowed.

**(P. B. Bajanthri, J)**

Vikash/-

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| Uploading Date    |      |
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