

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9940 of 2023

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Raman Kumar @ Raman Das Son of Praman Das, Resident of Village-
Jamaganj, P.S.-Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Inspector General of Police, Railway, Bihar, Patna.
4. D.I.G. of Police, Railway, Bihar, Patna.
5. S.P., Railway, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad
For the Respondent/s : Md. Nadim Seraj, (Gp5)

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

2 04-12-2023 The writ petition is filed for issuance of a writ or

direction to set aside the termination order dated 08.10.2022

filed by S.P. Railway, Katihar, challenging the order of I.G.,

Police Patna, dt. 13.04.2023.

2. It is brief contention of the learned counsel
appearing on behalf of the petitioner that the petitioner was
appointed as a driver/constable in Rail district, Katihar on
01.02.2022. He further submits that the charge was framed
against the petitioner, for not disclosing the Makhdumpur P.S.
Case No. 329 of 2013, dt. 07.09.2013 filed for the offence
punishable under Sections 341, 323, 448, 307, 504, 506 and 379



r/w Section 34 of the Indian Penal Code which was lodged against him by his uncle. Further departmental proceeding was also initiated against the petitioner, for which, the petitioner submitted his representations before the Inquiry Officer and denied the charges. Further a show cause notice was issued on the petitioner dt-21.09.2022 and petitioner has filed his explanation before the S.P. Rail, Katihar and denied the charges.

3. It is the specific contention of the learned counsel appearing on behalf of the respondent that the S.P. Railway, Katihar passed order of termination on the petitioner dated 18.10.2022 is not harsh and disproportionate to the offence or condonable and that it is based on the guidelines issued on the General Administration Department, Government of Bihar.

4. It is further contended by the learned counsel appearing on behalf of the respondents that as per the directions of the Hon'ble Apex Court in **Civil Appeal No. 18798 of 2017 (arising out of S.L.P. No. 20525 of 2011)** in **Avtar Singh Vs. Union of India & Ors.** dt. 15.11.2017 as per Paragraph No. 38.1 of its order:- "Information given to the employer by a candidate as to conviction, acquittal or arrest or pending of a criminal case, whether before or after entering into service must be true, and there should be no suppression or false mention of



required information.” It is also contended by the counsel that Rule 673(C) of the Police Manual also reveals that the candidate will be removed from service, if his character is bad. Further Paragraph No. 19 of the Advertisement No. 05 of 2020 of the Central Election Board of Constable also reveals that concealment of fact by the candidate during character verification will lead him to being in-eligible for appointment. It is further contended by the learned counsel appearing on behalf of the respondent no.5 that the petitioner has suppressed the fact of the case, which was pending before him and, therefore, the acts of the respondent no. 5 are not illegal or arbitrary in any manner.

5. On the other hand, the learned counsel appearing on behalf of the petitioner contended that he has preferred a memorial before the Director General of Police, Bihar, dated 09.05.2023 against the order of termination of the S.P. Rail, Bihar and restricted his prayer to direct the Director General of Police to consider the same. Taking into consideration that the memorial is pending before the Director General of Police, Bihar, Patna, this court is of the considered view that respondent no.2 (Director General of Police, Bihar, Patna) shall dispose of the memorial on merits within four weeks from the receipt of



the copy of this order.

6. With the above observations, the writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

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