

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17141 of 2019

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Manish Kumar Son of Brajnandan Prasad, R/o Village- Chanduara, Post-
Punha P.S. Rahui, Distt. Nalanda, Pin- 803119

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secrteary Home Department, Govern-
ment of Bihar, Patna.
2. The Director General of Police-Cum-I.G. of Police, Bihar, Patna.
3. The D.I.G of Police, Munger, Range, Munger.
4. The S.P. of Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate
For the Respondent/s : Mr. Manish Kumar (GP4)

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

Date : 15-09-2023

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

*"(I) For Issuance of an appro-
priate writ, order, /direction to quash/set
aside the impugned office order of dis-
missal/Termination of petitioner, vide
memo No. 1328/2019, dated, 05.07.2019,
(Annex. 13) passed by the S.P. of Kha-
garia, without proofing the alleged charge
against and follows the Police Manuals
Rules as well as the Natural Justice along
with the D.P.Rules for awarding the
gravies punishment.*

*(II) For issuance of an appropri-
ate writ, order/orders, direction/directions
in nature of Mandamus directing and com-
manding the concern respondents to rein-
state the petitioner on his own post with all
consequential benefits.*



(III) For further issuance of an appropriate writ order or direction in nature of Mandamus directing and commanding the concerned respondent not to humiliate or harass the petitioner on account of the illegal and baseless, concocted and fabricated F.I.R No. 525/2015 dated 06.08.2015 of Khagaria (Muff.) Thana.

(IV) For issuance of any other relief or reliefs to which the petitioner found entitled to in the larger interest of justice."

2. The petitioner was subjected to disciplinary proceedings and it was concluded in imposition of penalty of dismissal from service on 05.07.2019 vide (Annexure-13).

3. Perusal of the same, it is evident that it is not a speaking order to the extent that second show cause notice is stated to have been issued on 23.03.2019 for which the petitioner had submitted his reply on 08.04.2019 and the same has been referred and rejected in one sentence without examining the respective contentions stated in the reply dated 08.04.2019. The same has not been disputed by the learned counsel for the respondents. Therefore, the impugned order dated 05.07.2019 (Annexure-13) stands set aside. Matter is remanded to the disciplinary authority/Superintendent of Police, Khagaria to decide the matter afresh after due consideration of each of the contentions raised by the petitioner in his reply dated 08.04.2019. Time and again Courts have held that



both administrative and quasi-judicial orders must be speaking, since those orders are amenable to judicial review.

4. The above exercise shall be completed within a period of three months from the date of receipt of this order and communicate the decision to the petitioner at the earliest.

5. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

Vikash/-

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

