

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5124 of 2019

Dr. Ialan Kumar Paswan Resident of Village - Naya Tola, Chandanpatti, Post Office- Sadar, Distt. Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Director General of Police, Government of Bihar, Patna
2. Director General of Police, Government of Bihar, Patna
3. Inspector General of Police Darbhanga Range, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
5. Superintendent of Police, Madhubani
6. Additional Superintendent of Police, Madhubani
7. Sub Divisional Police Officer, Sadar, Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar
For the Respondent/s : Mr.Md.Neelam Seraj (Gp5)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-02-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for quashing of the order contained in Memo No. 568/379635/L-1 dated 18.07.2018, passed by the Director General of Police, Government of Bihar, Patna. Further for quashing of the Madhubani district order no. 1174/2018, which has been issued



by the Superintendent of police, Madhubani, in pursuance of the said order dated 18.07.2018.

3. Counsel for the petitioner submits that though the punishment is minor, he has not been given opportunity to defend in the departmental proceeding. Counsel further submits that if the authorities have decided to initiate the departmental proceeding then they are bound to follow the Rule of procedure laid down under Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

4. Counsel for the State on the other hand submits that the order of punishment is absolutely minor and under law, for the minor punishment, there is no need for continuation of the departmental proceeding whereas minor order may be passed without holding the departmental proceeding.

5. In this regard, procedure for imposing minor penalties have been described under Rule 19 of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

6. This Court, upon going through enquiry report as well as the order of the disciplinary authorities is of the firm view that the order passed is minor in nature and there is no need of even to conduct the departmental proceeding.



7. As such, this Court is not inclined to interfere.
Accordingly, this writ application is dismissed.

(Dr. Anshuman, J)

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