

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5387 of 2020

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Prem Kumar, Son of Ramawatar Mistri, R/o Village and Post- Sadhua, P.S.
Rangrachauk, Distt. Bhagalpur, Pin- 853204

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Department,
Government of Bihar, Patna.
2. The Director General of Police-Cum- I.G. of Police, Bihar, Patna.
3. The D.I.G of Police, Muzaffarpur.
4. The S.P.. Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Adv.
For the Respondent/s : Mr. Md Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-02-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed directing the respondent to accept the re-joining of the petitioner after released on bail and for grant of all consequential benefits in light of his joining on the post of Constable in Gopalganj District Police Force in response to appointment letter issued *vide* Memo No. 386/CSBC, Patna dated 02.06.2013.

3. Learned counsel for the petitioner submits that *vide* order no.2 dated 09.01.2024, direction was given to the State to file the counter affidavit, but counter affidavit has not been filed. Counsel also submits that identical case has been decided by this Court and therefore, he want that the present writ petition shall also be directed to be decide in the same. Counsel further



submits that the petitioner participated in the selection and appointment of Constable in Bihar published *vide* advertisement no. 01/2012 and after written and screening test, he was selected and appointment letter was issued *vide* Memo No. 386/C.S.B. (Constable) for the District Police Force, Gopalganj on 02.06.2013. Counsel also submits that the petitioner has submitted his joining within time, but an FIR was lodged alleging therein that upon enquiry, there were discrepancies found in the petitioner's photograph, identification mark, signature, chest size and with this allegation, FIR has been lodged and the petitioner was arrested.

4. Learned counsel for the petitioner submits that after releasing the petitioner on bail by the order passed by Hon'ble Court dated 12.04.2019, the petitioner submitted his re-joining before the Superintendent of Police, Gopalganj on 24.04.2019, but his joining has not been accepted and therefore, he has filed this writ petition intimating that without any proceeding, the petitioner was not permitted to work even after his selection.

5. Learned counsel for the State on the other hand submits that the petitioner has obtained appointment letter by interpolation as it was found that the petitioner's photograph, identification mark, signature, chest size were not matched with the documents available relating to written test, interview, physical examination test etc.



6. It transpires to this Court that the petitioner has not been granted any opportunity to defend himself. As such, it is directed to the Superintendent of Police, Gopalganj that he shall provide an opportunity to the petitioner to provide documents and circumstances before him explaining discrepancies relating to his photograph, identification mark, signature, chest size at various level.

7. The petitioner shall file representation within four weeks from today and all exercise shall be done by the Superintendent of Police, Gopalganj within 90 days from the date of production of the order.

8. It is made clear that the petitioner shall support in every manner by providing all materials and file reply. But, if the deficiency found on the part of the petitioner, then the Superintendent of Police, Gopalganj is competent to pass order within three months from the date of filing of petitioner's representation.

9. With the aforesaid observations and directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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