IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4351 of 2024

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Afshan Azeem Wife of Shri Satish Kumar Singh, resident of 301, Saket Tower, S.P. Verma Road, P.S.- Kotwali, District- Patna.

... ... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Commercial Taxes Department, Government of Bihar, Patna.
3. The Joint Commissioner, Commercial Taxes Department, Bihar Patna.
4. The Deputy Secretary, Commercial Taxes Department, Government of Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr.Dewendra Narayan Singh
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 04-04-2024 The present writ petition has been filed seeking the following relief:-

> *"i) For reinstatement of services of the petitioner on the post on which she has been found entitled for her reinstatement by quashing the resolution contained in Memo No.392/C dated 17.11.2016 issued by the Commercial Taxes Department under the signature of Deputy Secretary, Commercial Taxes Department, Bihar, Patna contained in Annexure P-10, by which the petitioner working on the post of Commercial Taxes Officer, Patna has been dismissed from her services in view of the Rule 14(xi) of the Bihar Government Services (Classification, Control and Appeal) Rules, 2005 on*

account of her having been convicted and sentenced for life imprisonment in connection with Patna City Chowk P.S. Case No.69 of 2002 registered for the offences punishable under sections 302, 120(B), 34 of the I.P.C. and 27 of the Arms Act, on the ground of her having been acquitted from the said Patna City Chowk P.S. Case No.69 of 2002 finding no evidence at all against the petitioner in the case, vide judgement and order dated 26.06.2023 passed in Cr. Appeal (D.B.) No.806 of 2015 by the Hon'ble Patna High Court.

And

(ii) Also for getting provided the petitioner all the consequential benefits including the promotional and monitory benefits treating the period of her dismissal as the continuous period on duty, calculating the same from the date on which the petitioner is found entitled to be given such promotional and monitory benefits."

2. At the outset, the learned senior counsel for the petitioner seeks a direction upon the Commissioner-cum-Secretary, Commercial Taxes Department, Government of Bihar, Patna, to consider the application filed by the petitioner on 18.10.2023, for cancelling the resolution dated 17.11.2016, whereby and whereunder he was dismissed from service on the ground of his conviction in a criminal case vide judgment of conviction dated 14.09.2015 and the order of sentence dated 21.09.2015 passed in Sessions Trial No.1148 of 2005, which has

subsequently been set aside by a judgment dated 26.06.2023, passed by the learned Division Bench of this Court in Cr. Appeal (DB) No.806 of 2015 and consequently, reinstate the petitioner back in service.

3. Having regard to the limited prayer made by the petitioner in the present writ petition, I deem it fit and proper to direct the Commissioner-cum-Secretary, Commercial Taxes Department, Government of Bihar, Patna to dispose off the aforesaid representation of the petitioner dated 18.10.2023, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks of receipt/production of a copy of this order.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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