

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17401 of 2015

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Dinesh Kumar Son of Sri Sitaram Rajak Resident of village - Ramana, P.O.
Lemaubigh, P.S. Paraiya, Distt. - Gaya

.. ... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Home (Police) Deptt., Bihar, Patna
3. The Commandant, Bisbesh Gan, Bihar Home Guard, Bihta, Patna

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate
	:	Mr. Prabhajot Singh, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26
		Mr. Santosh Kumar Mishra, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 18-07-2024 Heard Mr. Rajeev Kumar Singh, learned counsel

 appearing on behalf of the petitioner and Mr. Manoj Kumar

 Ambastha, SC-26 along with Mr. Santosh Kumar Mishra, AC to

 SC-26, learned counsel for the State.

2. Learned counsel appearing on behalf of the
petitioner submitted that the order dated 16.03.2011 was the
subject matter of C.W.J.C No. 574 of 2017 in respect of the
delinquent employee, namely, Kaushal Kumar Singh, in whose
case, this Hon'ble Court, after examining the charge memo and
the relevant evidences and witness on record and the findings of
the Disciplinary Authority, has been pleased to hold that the



order dated 16.03.2011 passed by the Commandant, Special Battalion, Bihar Home Guard of Special Battalion cannot be upheld, as it is apparently in teeth of the provision of Rule 7 and 16 of 'The Bihar Home Guard Rules, 1953'(Annexure-7). Thereafter, the State Government preferred Letters Patent Appeal no. 520 of 2018 in which, vide order dated 08.01.2019, the Division Bench of this Court, after proper analysis, has recorded that the judgment dated 21.07.2017 passed by the learned single judge in C.W.J.C. 574 of 2017 does not call for any interference, in view of the legal provision.

3. In view of the above mentioned ratio of the order dated 21.07.2017 passed in C.W.J.C. No. 574 of 2017, and affirmed by a Division Bench of this Court, vide order dated 08.01.2019 passed in LPA No. 520 of 2018, the present writ petition is allowed in the same terms. Accordingly, Memo No. 118 dated 10.03.2011 (Annexure-6) and Memo No. 5115 dated 31.05.2012 (Annexure-8) are hereby set-aside and quashed and appropriate action is required to be taken considering the distinction of provisions under Rule 7 and 16 of the Bihar Home Guard Rules, 1953, as has been pointed out by the Division Bench in LPA No.520 of 2018, affirming the order dated 21.07.2017 passed in **C.W.J.C. No. 574 of 2017** (supra).



4. With the above observations/direction, the present writ petition stands disposed of.

(Purnendu Singh, J.)

Ashishsingh/-
Sudhanshu/-

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