

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6188 of 2023

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Pramod Kumar Yadav @ Pramod Yadav Son of Kusheshwar Prasad @ Kusheshwar Yadav Resident of Village and P.O.- Bhalar, P.S.- Dharhara, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Director General of Police, Bihar, Old Secretariat, Patna.
3. The D.I.G. of Police, Military Police, now known as Bihar Special Armed Police, Central Zone, Patna.
4. The Commandant, B.M.P.-2, now known as Bihar Special Armed Police-2, Dehri, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Hriday Prasad, Advocate Ms. Maruti Kumari, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad (Sc 28)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-11-2024 Heard Mr. Ram Hriday Prasad along with Ms. Maruti Kumari, learned counsels appearing on behalf of the petitioner and Mr. Sheo Shankar Prasad, learned SC 28 for the State.

2. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“That this is an application for issuance of appropriate writ, order or direction to quash the order of commandant, B.M.P.- 2, now known as Bihar Special Armed Police-2 (hereinafter called B.S.A.P.-2) Dehri dated 31.01.2008 (Annexure-3) by which the petitioner has been dismissed from service and order of Director General of Police, Bihar, Patna dated 27.05.2021 (Annexure -9) by which appeal of the



petitioner has been rejected and order of D.G. of Police, Bihar, Patna dated 02.03.2023 (Annexure-11) by which the D.G. of Police, Bihar, Patna has rejected the memorial and for grant of all consequential benefits.”

3. Learned counsel appearing on behalf of the petitioner, restricting his prayer that penalty is disproportionate so far as termination of petitioner is concerned for the reason that the petitioner was not heard before imposing penalty by the disciplinary authority, submitted that petitioner may be permitted to file a detailed representation before the Director General of Police, Bihar for redressal of his grievance.

4. Considering the aforesaid submission made on behalf of the petitioner, the minimum requirement of giving opportunity of hearing has been alleged to have been denied in the case of the petitioner and the penalty is disproportionate to the offence and is against Rule 826 of the Bihar Police Manual, I find that without interfering in any manner with the dismissal order, which has been confirmed in the memorial, the petitioner may file his representation before the Director General of Police, Bihar, who will allow him proper opportunity of hearing and if he finds that there is any reason to interfere with the quantum of penalty, he may take a conscious decision in accordance with the prevailing rules, as well as, the Bihar



Government Servants (Classification, Control & Appeal) Rules, 2005 and the decision of the Apex Court, which the petitioner seeks to rely.

5. It is made clear that the petitioner for similar relief as prayed for in paragraph no.1 of the present writ petition has come before this Court in CWJC No.6361 of 2016.

6. It is also made clear that this Court has not interfered in any manner with the impugned orders, which are subject matter of the present writ petition and the petitioner has also not chosen to assail the same on merits.

7. The writ petition is, accordingly disposed of.

8. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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