

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7954 of 2022

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Shailendra Kumar Son of Late Ganesh Prasad Mandal Resident of Village and P.O.- Kathotiya, P.S.- Bihariganj, District- Madhepura, at present North Jai Prakash Nagar, Near Hanuman Murti, Aashiyana Digha Main Road, P.S.- Rajiv Nagar, District- Patna, presently posted as Assistant Sub Inspector of Police, Town Thana, Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Director General-cum- Inspector General of Police Bihar, Patna.
3. The Inspector General of Police (Prohibition and Excise) Bihar, Patna.
4. The Superintendent of Police Purnea.
5. The Superintendent of Police Kishanganj.
6. The Sub Divisional Police Officer-cum- Inquiry Officer Sadar Purnea.
7. The Deputy Superintendent of Police (Reserve) Police Line, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagnnath Singh

For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2024 The present writ petition has been filed seeking the following relief:-

“1. That this is an application for issuance of a writ in the nature of certiorari or any other appropriate writ/rule for quashing Purnea Zonal Order No. 74/2022 as contained in Memo No. 472 dated 04.04.2022 (Annexure-13) whereby and whereunder the learned Inspector General of Police, Purnea Zone, Purnea was pleased to



dismiss the petitioner from service agreeing with the recommendation made by the Superintendent of Police, Purnea by further directing that the petitioner would get nothing except the subsistence allowances already paid during the period of suspension and the period of suspension would be treated as Half Earned Leave and also District Order No. 609/2022 as contained in Memo No. 658 dated 08.04.2022 (Annexure-14) recording the Purnea Zonal Order as Purnea District Order through which agreeing with the recommendation made Superintendent of Police, Purnea and consequently it was notified as Kishanganj District Order No. 686/2022 as contained in Memo No. 903 dated 16.04.2022 (Annexure-15) notifying the dismissal order of the petitioner from service and it has also been directed that the petitioner would get nothing except the subsistence allowances already paid to him during period of suspension and the period of suspension would be treated as Half Earned Leave in most illegal and arbitrary manner specially when the petitioner was exonerated in Departmental Proceeding already conducted for one and the same charges by Memo No. 3138/2019 dated 30.06.2019 (Annexure-8) submitted by the Inquiry Officer, Officer-cum-Sub Purnea Divisional Police Sadar and also by the disciplinary authority i.e. Superintendent of Police, Purnea by D.O. No. 888/19 as contained



in Memo No. 2585 dated 22.07.2019 (Annexure-9) holding the petitioner not guilty of charges and thereby dropping the departmental proceeding as also the petitioner being acquitted from the criminal court for one and the same charges in Special Excise Case No. 1190/2017/CIS No. 3104/2017 arising out of Janki Nagar P.S. Case No. 100/2017 dated 24.05.2017 under sections 384/166 of the IPC and 50 (c) (d) of Bihar Prohibition and Excise Act, 2016 (Annexure-7) and consequently the petitioner may be reinstated in service from the date of dismissal i.e. 04.04.2022 and also to pay all the consequential benefits to the petitioner after reinstatement in service.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 4.4.2022, passed by the Inspector General of Police, Purnea Zone, Purnea, by filing appropriate appeal. Liberty, so sought, is granted.

3. It is needless to state that in case, appropriate appeal is filed by the petitioner, before the appellate authority within a period of two weeks from today, the same shall be decided, in accordance with law and a reasoned and a speaking order shall be passed thereon within a period of six weeks, thereafter.



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

(Mohit Kumar Shah, J)

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