

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9013 of 2018

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Aniket Kumar Singh @ Kundan Kr. @ Kundan Kumar Singh Resident of at
and P.O. Katariya, P.S. Kursaila, District Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General Central Range, the Appellate Authority, Bihar
Military Police, Patna.
4. The Commandant, B.M.P. - 03, Bodh Gaya.
5. The Deputy Superintendent of Police-cum-Conducting Officer, B.M.P. - 03,
Bodh Gaya.
6. The Police Sub-Inspector Investigation Officer namely Shiv Sharan Sah,
Kursela Police Station, Dis
7. The Police Sub-Inspector Investigation Officer namely Bharat Bhushan,
Kursela Police Officer, Katih

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Singh
For the Respondent/s	:	Mr. Manish Kumar -Gp4
		Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-06-2024 Heard learned counsel for the petitioner and counsel
for the State.

2. This writ petition has been filed for quashing of the
Departmental Proceeding No. 09/2014 issued under the
signature of Respondent No. 3 vide Memo no. 115/R. Ka Patna
dated 01.02.2018 as well as vide Memo. No. 750/R.Ka dated
22.04.2017 issued by Respondent No. 4 by which petitioner
was dismissed from his service.



3. Counsel for the petitioner submits that after completing all the examinations of Police, petitioner was appointed as a constable in B.M.P., 03, Bodh Gaya, thereafter, he was asked for character verification from the Superintendent of Police, Katihar, who in his report submitted that a charge-sheet No. 41/2013 dated 10.05.2013 under Section 395/412/120B of the I.P.C has been submitted in Kursela P.S. Case No. 84 of 2012, and therefore, on the ground that he has made false submissions before the respondent authorities, his services was terminated following the departmental proceeding but according to the petitioner proceeding has not been conducted in accordance with law. He further submits that essential evidence with regard to report has not been taken care of nor the petitioner was produced in T.I. Parade, but subsequently, in trial he was exonerated without considering that aspect of the matter and the petitioner was removed from the service. Counsel submits that the findings of the departmental proceeding is completely based on conjectures and surmises. He preferred appeal, but the same has also been rejected without considering the factual matrix as well as looking into matter that proper departmental proceeding has not been conducted in this case.



4. Counsel for the State submits that petitioner has participated in the selection process in which false information has been submitted that his character is clean but actually, he was accused in Kursela P.S. Case No. 84/2012 instituted under Section 395/412/120B of the Indian Penal Code and charge-sheet has been submitted bearing charge-sheet No. 41/2013 dated 10.05.2013. He was in judicial custody also and subsequently, he has been released on bail. Counsel further submits that all these facts have been concealed by the petitioner in his affidavit which he has submitted at the time of appointment and therefore, when this fact has come to the knowledge of the respondent officials, they have followed the process and removed the petitioner from the service which is absolutely legal and there is no infirmity in the same. Counsel further submits that in the Bihar Police Manual Rule 673(C), it is categorically indicated that if character of the man is reported to be bad, if he has made false statement then he is liable to be removed from his post, and therefore, the petitioner's removal is completely in accordance with law.

5. In the light of the submissions made, this Court after going through the orders passed by the disciplinary authority vide Memo. No. 750/R.Ka dated 22.04.2017 as well as



the appellate order, it transpires that proper opportunity has been granted to the petitioner and no plausible reason has been provided before the disciplinary authority, by the petitioner as to why he has made false representation and suppressed about his pendency of the criminal case. It appears that he went into custody, and subsequently, he has been granted bail. It is true, as per pleadings that petitioner has been acquitted in the said case, but it is also true that the day on which he has appeared in the appointment process, having criminal case pending against him. There is a specific Rule i.e. Rule 673(C) of the Bihar Police Manual, that in case of bad character or false statement, the delinquent shall be removed from the service.

6. In this background, this Court is not inclined to interfere in this matter. As such, this writ petition is dismissed.

(Dr. Anshuman, J)

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