

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10873 of 2020

Ashok Kumar Singh Son of Late Harikant Singh Resident of Village- Farhara,
P.S.- Krishnagarh, District- Bhojpur, At present residing at Bahadurpur
Housing Colony, M.I.G. Sector-07, Block-06, Room No. 16, P.S.-
Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Home Secretary, Bihar, Patna.
2. The Director General- Cum- Inspector General of Police Bihar, Patna.
3. The Deputy Inspector General of Police Darbhanga Range, Darbhanga.
4. The Senior Superintendent of Police Patna.
5. The Superintendent of Police Samastipur.
6. The Assistant Superintendent of Police- cum- Enquiry Officer Incharge,
Hind- Branch, Police Office, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Upendra Mishra
For the Respondent/s : M.N.H. Khan SC-1
Mrs. Babita Kumari, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 23-02-2024 Heard learned counsel for the petitioner and counsel
for the State.

2. The present writ petition has been filed for quashing of the enquiry report dated 29.03.2019 passed by the Assistant Superintendent of Police-cum-Inquiry Officer and for quashing of the order no. 1019/2019 dated 08.05.2019 passed by the Superintendent of Police, Samastipur and further for quashing of the order no. 299/2019 vide memo no. 1706 dated 01.08.2019 and for quashing the departmental proceeding no. 03/2019 from which proceeding has been initiated against the



petitioner and to reinstate the petitioner in service with all consequential and monetary benefits.

3. Counsel for the petitioner submits that the disciplinary proceeding has been initiated vide memo no. 710 dated 13.03.2019 but the said letter was served to him only on 28.03.2019 and final order has been passed on 08.05.2019. Counsel submits that from the charge memo as well as inquiry report which has been prepared on 29.03.2019 and the charge-memo which he has received on 28.03.2019, it transpires that only a single day was provided to the petitioner to defend his case.

4. Providing one day to defend the departmental proceeding and not earlier providing the charge-memo indicates that proper opportunity has not been granted to the petitioner to defend his case and entire proceeding has been continued just providing one day to the petitioner to defend.

5. Accordingly, inquiry report dated 29.03.2019 passed by the Assistant Superintendent of Police-cum-Inquiry Officer and order no. 1019/2019 dated 08.05.2019 passed by the Superintendent of Police, Samastipur and further Order No. 299/2019 vide Memo No. 1706 dated 01.08.2019 and departmental proceeding no. 03/2019 is hereby set aside.



6. Department is at liberty to initiate the proceeding before the inquiry Officer afresh and all shall be concluded within 90 days from the date of production of this order.

7. With the aforesaid direction, this writ petition stands allowed.

(Dr. Anshuman, J)

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