

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.709 of 2024

In
Civil Writ Jurisdiction Case No.9013 of 2018

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Aniket Kumar Singh @ Kundan Kr. @ Kundan Kumar Singh, Son of Naresh Prasad Singh, Resident of Village and Post- Katariya, P.S- Kursaila, District- Katihar.

... .. Appellant/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, District- Katihar.
7. The Police Sub-Inspector (Investigation Officer) namely Bharat Bhushan, Kursela Police Officer, Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Upendra Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-09-2024 The petitioner is the appellant in the above case, concerned with the impugned order which refused to interfere with the disqualification of his candidature.

2. The appellant applied for the post of Constable in B.M.P-03, Bodh Gaya and a character verification was asked for from the Superintendent of Police, Katihar. In the report



submitted by the Superintendent of Police, it was submitted that Chargesheet No. 41 of 2013 dated 10.05.2013 under Sections 395, 412 and 120B of the Indian Penal Code has been submitted in Kursaila Police Station Case No. 84 of 2012 and that he was in judicial custody; having been released on bail subsequently. The appellant was proceeded with on the basis of the verification issued from the Superintendent of Police, Katihar and pursuant to departmental proceeding, he was terminated.

3. Learned Counsel for the appellant submits at the outset that he has been exonerated in the criminal case. Further, it is stated that the Enquiry Officer had exonerated him while the Disciplinary Authority without looking at the fact that two witnesses who had been summoned did not turn up, had punished him with the order of termination.

4. The learned Government Advocate, however, submits that though the enquiry report exonerated him, the Disciplinary Authority issued him with a notice asking him for an explanation why he should not be terminated and it was after considering the reply that he was terminated.

5. The appellant does not dispute the fact that he was involved in a police case and he was also in judicial custody. However, there is no disclosure about the involvement in the



police station case in the application filed; which was the reason for his termination. The appearance of the witnesses is not crucial on the admitted facts. The mere contention taken that he was exonerated in the criminal case would not absolve him from the liability of non-disclosure of his involvement in the police station case; while the application under an advertisement was made. The appellant's termination was not on account of involvement in the police case, but non-disclosure of the pendency of the case in his application.

6. We find absolutely no reason to interfere with the impugned judgment.

7. The appeal stands dismissed *in limine*.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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