

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12415 of 2024

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Vishal Kumar Son of Shivnath Paswan Resident of Village- Akorhi, P.S.- Akorhi Gola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. D.G. Police, Bihar, Patna.
3. D.I.G. of Police, Railway, Bihar, Patna.
4. Rail, S.P., Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad, adv.
For the State	:	Mr. Sita Ram Yadav, GP-16, Mr. Yatindra Narayan, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 28-08-2024 The petitioner was subjected to departmental proceeding on the ground that he married for the second time during the subsistence of his first marriage. The departmental proceeding was initiated when one Puja Kumari filed a complaint in the jurisdictional Police Station alleging, inter alia, that she is the legally married wife of the petitioner and during the subsistence of her marriage the petitioner married to another lady namely Rekha Kumari, who is also a Constable of Police. On the basis of the said F.I.R. a case being Jehanabad Town P.S. Case No. 293 of 2021, under Sections 498(A), 494/506/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act was registered against the petitioner.



2. In the departmental proceeding, the disciplinary authority found that in the declaration made in H.R.M.S. form by the petitioner himself, he take it the name of his wife as Puja Kumari. In the column of marital status, the petitioner declared that he is married. In relationship column of H.R.M.S. form, he declared Puja Kumari as his wife. The Department found that during subsistence of marriage with Puja Kumari, the petitioner married for the second time to one Rekha Kumari.

3. It is needless to say that a Government employee cannot marry for the second time. Therefore, the disciplinary authority held that the petitioner performed second marriage during his service period, which amounts to gross misconduct and he was terminated from service.

4. It is submitted by the learned counsel for the petitioner that the petitioner had taken specific plea in the departmental proceeding that he did not submit H.R.M.S. form and H.R.M.S. form was filled up at the instance of one Puja Kumari. The department rightly rejected the contention of the petitioner because of the fact that H.R.M.S. form can only be filled by the employee concerned under his signature. When documentary evidence falsified and negated the oral claim of the petitioner, document must prevail. The order of dismissal



was passed on the basis of H.R.M.S form which is a documentary evidence submitted by the petitioner himself.

5. Considering such aspect of the matter, I do not find any merit in the instant writ petition and accordingly, the same is dismissed.

(Bibek Chaudhuri, J)

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