

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20151 of 2021

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Surendra Ram @ Surendra Kumar Ram S/o Late Ram Sahay Ram, Resident of Village - Jalpura, Govardhan Chak, Post - Sirpalpur, P.S. - Koilwar, District- Ara (Bhojpur) (Constable No. 1140).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police), Department of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2024 The present writ petition has been filed seeking the following relief:-

“1(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the Muzaffarpur District Order No. 1316 of 2018 as contained in Memo No. 2122/ Ra. Ka. Dated 24-07-2018 passed by the respondent No. 4 the Senior Superintendent of Police, Muzaffarpur whereby and whereunder the petitioner



has been compulsory retired from the post of Constable No.1140 on the ground that in the Departmental proceeding petitioner was found guilty.

(II) To direct the respondent No.4 to reinstate the petitioner against said post with consequential benefits in the light of order passed by this Hon'ble court passed in CWJC NO. 14815/2017 pursuant to the writ filed by the petitioner against the order of termination."

2. At the outset, the learned counsel for the respondent has pointed out that this Court, in the earlier round of litigation initiated at the behest of the petitioner, had though vide order dated 24.07.2018, passed in CWJC No.14815 of 2017, upheld the order of punishment of dismissal from service dated 22.10.2008 and the appellate order dated 28.1.2011 but had set aside the order dated 22.02.2016, passed by the Director General of Police, Bihar, Patna and remitted the matter back to him only limited to reconsideration of the quantum of punishment, however had observed as follows:-



“It appears that the petitioner herein had absconded on 39 occasions and had been punished 15 times. In view of the aforesaid, though the order of punishment dated 22.10.2008 and the appellate order dated 28.1.2011 are upheld, nonetheless, the order passed by the Director General of Police, Bihar, Patna, dated 28.1.2011 is set aside to the extent of infliction of punishment and the matter is remitted back to the Director General of Police for reconsideration regarding quantum of punishment.

It is made clear that this Court has not expressed any opinion on the merits of the case, however, necessary orders regarding quantum of punishment, to be inflicted on the petitioner, be passed by the Director General of Police within a period of 8 weeks from today.

It is also made clear that henceforth, no writ petition, on the same subject matter as the one involved in the present case, would lie before this Court.”

3. It is further submitted by the learned counsel for the respondents that thereafter, the



Director General of Police, Bihar Patna had reconsidered the quantum of punishment vide order dated 27.06.2018 and inflicted punishment of compulsory retirement with effect from the date of dismissal of the petitioner from service, therefore, it is contended by the learned counsel for the respondents that the present writ petition is preposterous and not maintainable.

4. The learned counsel for the petitioner has been unable to refute the aforesaid contentions advanced by the learned counsel for the respondents and submits this Court may pass appropriate orders.

5. Having heard the learned counsel for the parties and having gone through the materials on record, this Court finds that for the same cause of action, which had led to filing of the aforesaid writ petition bearing CWJC No.14815 of 2017, the present writ petition has been filed, which in any view of the matter is not maintainable, specially in view of the observations made in the order dated 24.07.2018, passed by this Court in CWJC



No.14815 of 2017, as aforesaid, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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