

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20136 of 2021

=====

Shyam Babu Singh Son of Late Singho Singh Resident of Mohalla - Sri Ram
Nagar Colony P.S. - Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar Patna.
3. The Additional Director General of Police, Special Branch, Bihar, Patna.
4. The Deputy Inspector General of Police, Special Branch Bihar, Patna.
5. That Superintendent of Police, (A), Special Branch, Bihar, Patna.
6. The Deputy Superintendent of Police, Foreign Section, Special Branch, Bihar, Patna.
7. The Inspector cum Presenting Officer, Naxal Section, Special Branch, Head Quarter, Bihar, Patna.
8. The Presenting Officer Cum Police Inspector, Naxal Section, Special Branch, Head Quarter, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the State	:	Mr.Manish Kumar (Gp4)
		Mr. Ajay Kumar, AC to GP-4

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

"(I) For issuance of appropriate writ/writs, order/orders direction/directions for quashing the order contained in Memo no. 2840 dated 10.09.2021 issued under the signature of Respondent no.4 (The Deputy Inspector General of Police), whereby and whereunder respondent no. 4 agreeing with the finding of conducting officer held the appellant guilty



for the charges of having disproportionate asset, dismissed the petitioner from the post of Sub-Inspector with immediate effect and further held that petitioner is entitled only for subsistence allowances and also directed the respondent no. 5 for taking steps for making payment of subsistence allowance however in that course the disciplinary authority relied upon many facts which was not considered or brought into the notice of petitioner in course of inquiry and also refused to take into consideration the loan taken by the wife of petitioner, by the petitioner himself and further income derived from ancestral property.

(II) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the enquiry report which was communicated to the petitioner vide memo no. 2173 dated 15.07.2021 under the signature of respondent no. 5 when petitioner was asked to shown his cause regarding proposed punishment of dismissal whereby and whereunder inquiry officer-cum-conducting officer without properly considering the evidence of material witnesses who in reply stated that they did not make any enquiry and had not collected all source of income of the petitioner and his family but still



petitioner has been held, appears to be guilty meaning thereby the finding of enquiry officer is based on non-existing facts or facts not on record and as such enquiry report is fit to be discarded."

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order of punishment dated 10.09.2021, passed by the respondent no.2 by filing appropriate appeal. Liberty so sought is granted.

3. It is needless to state that in case appropriate appeal is filed within a period of four weeks from today, the same shall be heard on merits by the appellate authority and a reasoned and a speaking order shall be passed thereon, within a period of eight weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

