

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13747 of 2023

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Prince Kumar Son of Late Bachchan Prasad Kunwar, Resident of village -
Jairampur, Police Station -Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna
2. The Secretary, Home Department, Government of Bihar, Patna
3. The Director, Home Department, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Bhagalpur Division, Bhagalpur.
6. The Deputy Inspector General of Police, Bhagalpur
7. The Senior Superintendent of Police, Bhagalpur
8. The Superintendent of Police, Bhagalpur
9. The Deputy Superintendent of Police, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs.Prakritita Sharma, Adv. Mr.Abhijeet Gautam, Adv. Mr.Sanjeev Kumar, Adv.
For the Respondent/s	:	Mr.Manish Kumar, GP-4 Mr.Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-03-2024

1. The present writ petition has been filed for quashing the order dated 16.08.2019, passed by the Senior Superintendent of Police, Bhagalpur, whereby and whereunder the petitioner has been inflicted with the punishment of withholding of wage increments for two years,



which is equivalent to 3 black marks, as also it has been postulated that the period during which the petitioner remained dismissed from service shall be adjusted as Extraordinary Leave. The petitioner has also challenged the order dated 18.11.2022, passed by the Inspector General of Police, Eastern Zone, Bhagalpur, whereby and whereunder, the Appeal filed by the petitioner has been dismissed. Lastly, the petitioner has challenged the order dated 17.05.2023, passed by the Director General of Police, Bihar on the memorial petition filed by the petitioner.

2. The learned counsel for the petitioner has submitted that without serving a copy of the Inquiry Report as also without issuing any second show-cause notice, the order of punishment dated 16.08.2019, has been passed by the Senior Superintendent of Police, Bhagalpur, hence the petitioner has been precluded from grant of a reasonable opportunity to put forth his defence and prove his innocence, resulting in breach of the Principles of Natural Justice as also violation of the provisions contained under Article 311(2) of the Constitution of India.

3. Per contra, though the learned counsel for the respondent-State has brought a copy of the Inquiry Report on



record, by way of the counter affidavit filed in the present case, however, it has not been denied that neither the Inquiry Report nor any second show-cause notice was served upon the petitioner, hence it is submitted that the matter be remanded back, to be consider on merits, by the Disciplinary Authority.

4. Having regard to the facts and circumstances of the case and considering the admitted fact that neither the Inquiry Report nor the second show-cause notice was served upon the petitioner in order to enable him to put forth his defence and prove his innocence, this Court finds that the Principles of Natural Justice have been violated, hence on this ground alone, this Court deems it fit and proper to quash the order of punishment dated 16.08.2019, passed by the Senior Superintendent of Police, Bhagalpur, and remand the matter back to him to proceed afresh from the stage of submission of the Inquiry Report. Consequently, the Appellate Order dated 18.11.2022 and the order passed by the Director General of Police, Bihar dated 17.05.2023 on the memorial filed by the petitioner do not have any legs to stand, in view of quashing of the original order of punishment dated 16.08.2019, hence the same are also quashed.

5. The writ petition stands allowed to the aforesaid



extent.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2024
Transmission Date	NA

