

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5414 of 2018

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Santosh Kumar S/o Late Amarendra Kumar R/o 18, Manas Marg, Road No. 2
West Shivpuri, P.S. Shastrinagar, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Home Police, Government of Bihar, Patna.
3. The Secretary, Department of Home Police, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police Crime Investigation Department, Bihar, Patna.
6. The Director, Forensic Science Laboratory, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tuhin Shankar
For the Respondent/s : Mr.S.S. Prasad- Sc8

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 13-03-2024 Counsel for the petitioner and counsel for the State

present.

2. The petitioner has challenged the order contained in
memo no.1257 dated 26.08.2015 (Annexure-16) as well as the
order of punishment contained in Memo no. 553 dated
04.07.2014 (Annexure 12).

3. Counsel for the petitioner submits that at the time
of passing both the orders, there is gross violation of principal of
natural justice. Counsel further submits that in the memo of
appeal, the petitioner has raised all the points in detail but non
of the points were considered by the appellate authority at the
time of passing the appellate order which is contained in Memo
No. 1257 dated 26.08.2015.



4. Counsel for the State, on the other hand submits that there is no need of any interference against the orders under challenge due to the reason that there is serious allegation against the petitioner which cannot be tolerated by the State at any stage.

5. Upon hearing the pleading of the parties, it transpires to this Court that those points which have been submitted by the petitioner in memo of appeal has not been taken into consideration at all. As such order contained in Memo No. 1257 dated 26.08.2015 (Annexure-16) passed by the Respondent No. 5 as well as the order of punishment contained in Memo no. 553 dated 04.07.2014 (Annexure 12) passed by the respondent no. 6 for imposing the punishment of dismissal upon the petitioner is hereby set aside.

6. The Inspector General of Police, Crime Investigation Department, Bihar, Patna i.e. the respondent no. 5 is directed to pass a fresh order completely in accordance with law within 90 days from the date of production/receipt of this order.

(Dr. Anshuman, J)

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