

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23739 of 2012

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Raj Kumar Singh, S/o Late Durga Singh R/o Vill-Dariyapur, P.O. and P.S.-
Fatuha, Distt-Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Muzaffarpur Zone, Muzaffarpur
4. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
5. The Superintendent of Police, Sheohar
6. The Deputy Superintendent of Police-Cum-Disciplinary Officer, Sheohar
7. Mr. Gupteshwar Pandey, The Additional Director General of Police,
Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Verma, Advocate.
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 24-09-2024 The petitioner in paragraph no. 1 of the present writ

petition has sought, inter alia, following relief(s), which is

reproduced hereinafter:-

*“(i) Issuance of an appropriate writ, order or
direction in the nature of certiorari quashing memo no.-
1651 dated - 28.08.2010 issued by the Superintendent of
Police, Sheohar.*

*(ii) Issuance of an appropriate writ, order or
direction in nature of certiorari quashing memo no. 1334,
dated 24.12.2010 issued by the D.I.G., Tirhut Range,
Muzaffarpur.*

*(iii) Issuance of an appropriate writ, order or
direction in nature of certiorari quashing memo no. - 438,
dated 08.02.2012 issued by the Director General Police,
Bihar, Patna. through memo no. 257 dated 11.06.2012.*

*(iv) Issuance of an appropriate writ, order or
direction in the nature of mandamus commanding and
directing the respondent authorities to reinstate the
petitioner in service with all monetary, service and*



consequential benefits.

(v) To treat the petitioner in service from the date of his dismissal to the date of his reinstatement in service and pay him salary for the said period.

(vi) To any other relief or reliefs to which the petitioner may be found entitled to.”

2. After going through the pleadings made in the writ petition and the counter affidavit, I find that the order impugned by which the petitioner was dismissed from service is faulted for considering the fact that in Para-21 of the counter affidavit, respondents have admitted that the papers which were demanded by the petitioner were not provided to the petitioner having found that those papers were not relevant to the charge framed in the proceeding and as such the same calls for interference by this Court.

3. The penalty order as contained in Memo No. 1651 dated 28.08.2010 is hereby set aside and quashed. As a consequence of the same, the appellate order contained in Memo No. 1334 dated 24.12.2010 and Memorial Appeal having been preferred against the said order and same having been rejected by the Director General of Police, Bihar, Patna vide Memo No. 438 dated 08.02.20212 and communicated to the petitioner vide Memo No. 257 dated 11.06.2012 are hereby set aside and quashed.

4. The matter is remitted back to the Disciplinary



Authority to proceed afresh in accordance with law in light of the law laid down by the Apex Court in the case of **B. C. Chaturvedi V. Union of India & Ors.** reported in (1995) 6 SCC 749.

5. With the above observation/direction, the writ petition stands disposed of.

(Purnendu Singh, J)

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