

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17853 of 2024

Shivam Kumar, Son of Late Satish Kumar, resident of village- Majlishpur,
Post Office - Allipur Hatta, Police Station - Mahnar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Home Affairs, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Mithila Range, District - Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga, District - Darbhanga.
5. The Senior Superintendent of Police, Darbhanga, District - Darbhanga.
6. The District Magistrate, District - Madhubani.
7. The Superintendent of Police, Madhubani, District - Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16 Mr. Pramod Kumar Singh, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-11-2024 Heard Mr. Amit Kumar, learned Advocate for the petitioner and Mr. Pramod Kumar Singh, learned Advocate for the State.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondent authorities to appoint him on compassionate ground.

3. While the father of the petitioner was working as a Sub-Inspector of Police in the Madhubani district, in the mean time, an FIR has been instituted on 18.09.2017 vide Biraul P.S. Case No. 390 of 2017 for the offences under Sections 37(a)(c)



of Bihar Excise Amendment Act, 2016.

4. On account of the institution of the FIR, the petitioner was put to departmental proceeding after issuance of memorandum of charge. The departmental proceeding finally culminated into punishment of dismissal vide memo no. 3137 dated 14.10.2019. The father of the petitioner being aggrieved by the order of dismissal rushed to this Court in CWJC No. 1790 of 2020.

5. However, taking note of the fact that there was a remedy of appeal, the writ petition was disposed off with a liberty to the petitioner to file an appeal. In pursuant thereto, the father of the petitioner filed an appeal before the Director General of Police, Patna on 06.10.2022. While the appeal was pending under consideration, in the mean time, the father of the petitioner died on 14.03.2023.

6. Learned Advocate for the petitioner narrating the aforesaid facts contended that since the order of dismissal was contrary to the rules and regulations and, as such, the petitioner appeared before the appellate authority and sought permission to pursue the appeal on behalf of his father.

7. It is further contended that since there was a pending criminal case against the father of the petitioner, which



stood abated on account of his death, thus the charges levelled against the father of the petitioner, did not stand proved.

8. On the basis of the aforesaid facts, he approached before this Court with a contention that there is neither any criminal case, nor the departmental proceeding and since, the father of the petitioner has died before attaining the age of superannuation, his case is required to be considered for compassionate appointment.

9. Having heard the parties, this Court finds that the contention of the petitioner is wholly misconceived. It is the admitted fact that the father of the petitioner was visited with the punishment of dismissal, which still holds the field and there is appeal pending before the appellate authority; to be pursued by the petitioner.

10. In that view of the matter, the writ petition has no merit and accordingly the same stands dismissed.

11. The petitioner is at liberty to pursue the appeal pending before the respondent authority.

(Harish Kumar, J)

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