

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18681 of 2024

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Balinder Rai @ Balindra Rai @Balindar Ray, Son of Late Ambika Rai, R/o -
Village - Shishbaniya, P.S. - Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Additional Director General of Police, Appeal, Budget and Welfare, Bihar, Patna.
3. The Inspector General of Police, Central Region, Patna.
4. The Superintendent of Police, Nalanda.
5. The Additional Superintendent of Police Cum Enquiry Officer, Nalanda.
6. The Deputy Superintendent of Police Cum Enquiry Officer, Nalanda.
7. The Deputy Superintendent of Police (Security), Biharsharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC -9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2024 Heard Mr. Ramakant Sharma, learned Senior

Advocate duly assisted by Mr. Rajesh Kumar, learned Advocate
for the petitioner and learned Kinkar Kumar, learned Standing
Counsel No.9 for the State.

2. The petitioner is aggrieved with the order passed by
respondent no. 3 vide Central Region Order No.74/2023 read
with memo no. 2377 dated 16.03.2023, whereby the petitioner
has been dismissed from the post of ASI by affirming the
finding of conducting officer of Departmental proceeding no. 71
of 2019 and in light of Judicial Pronouncement, holding the
petitioner guilty for the offences u/s 305, 120(B)/34 of IPC and



Section 3(i)(r)(s), 2(v)(vi) of SC/ST (POA) Act.

3. The petitioner further seeks a direction upon the respondent, especially respondent no. 2 to reinstate the petitioner on the post of Assistant Sub-Inspector by taking into consideration the judgment dated 15.07.2024 passed in Criminal Appeal (DB) No. 724 of 2022 whereby the petitioner has been acquitted from the charges leveled against them.

4. Learned Advocate for the petitioner in sum and substance submitted that on account of conviction in relation to Bihar Sharif SC/ST P.S. Case No. 30 of 2019 registered for the offences punishable under Section 302 and 34 of the Indian Penal Code and Section 3(2)(v) of SC/ST (Prevention Of Atrocities) Act the impugned order of dismissal came to be passed. The afore-noted order of conviction was put to challenge in Cr. Appeal (DB) No. 724 of 2022 whereby the judgment of conviction and order of sentence stood set aside by the learned Division Bench of this Court vide judgment dated 15.07.2024.

5. In view of the aforesaid facts the petitioner has preferred an appeal vide Annexure P/13 before the Additional Director General of Police, Appeal, Budget and Welfare, Bihar, Patna. However, despite the fact that the petitioner has been acquitted from all the charges which was the basis of the



conviction, the appeal is kept pending, compelling the petitioner to approach before this Court.

6. Learned Advocate for the State drawing the attention of this Court to Annexure P/13, has contended that the appeal has been preferred on 29.08.2024 and just within two months, the petitioner has preferred the present writ petition.

7. In view of the submissions advanced on behalf of learned Advocate for the respective parties, this Court deems it apt and proper to dispose off the writ petition with a direction to the respondent no. 2, to take up the appeal of the petitioner and dispose off the same, preferably within a period of twelve weeks from the date of receipt/production of the copy of this order.

8. Suffice it to observe that while considering the appeal of the petitioner, the learned appellate authority shall consider the factum of acquittal of the petitioner from all the charges by the learned Division Bench of this Court.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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