

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.991 of 2023

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Dilip Kumar, Son of Mahesh Prasad Resident of Village- Pipra Tola, P.O.-
Parwa, P.S.- Jay Nagar, District- Madhubani, PIN- 847226.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Director General-Cum- I.G. of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Shahabad Range, Dehri-On-Sone,
Rohtas.
4. The Superintendent of Police, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mayanand Jha, Sr. Advocate Mr. Gaurav Prakash
For the Respondent/s	:	Mr. Dhurendra Kumar AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 01-05-2025

This petition has been preferred by the petitioner
seeking following reliefs:

***1) For issuance of an appropriate writ,
order, direction or directions in nature
of Mandamus directing and
commanding the concerned respondents
to set aside the impugned order of
dismissal of petitioner passed by the S.P.
Kaimur (Bhabhua) vide D.O. No. 1536***



of 2016 with Memo No. 2587/रा/का dated 15.10.2016 in Departmental Proceeding No. 37 of 2015 (Annexure-09) and also set aside the impugned order passed by the DIG Shahabad Range in appeal of petitioner vide D.O. No. 1988 of 2016 with Memo No. 2019/गोशाला, (Annexure-10) dated 23.12.2016.

II) For further issuance of an appropriate writ order or direction in nature of Mandamus directing and commanding the concerned authorities to reinstate the petitioner on his own post with all consequential benefits, in term of his acquittal in alleged Criminal Case by the Trial Court.

III) For further issuance of an appropriate writ order or direction in nature of Mandamus directing and commanding the concerned respondent to reinstate the petitioner on his own post with all consequential benefits, in term of his acquittal in alleged criminal case by the Trial Court as the others have been benefited in similar matter in respect of Hon'ble High Court Order/judgments as well as Hon'ble Apex Court Judgments, which are annexed with this writ petition as Annexures-13, 14, 15 & 16.

IV) For issuance of any other relief or reliefs to which the petitioner found entitled to in the larger interest of justice.



2. The petitioner has been terminated from the services on the ground that at the time of his selection for the post of Constable, he cheated the department and in his place any other person appeared in the examination, by this way the petitioner committed fraud. On the same facts of allegation, an FIR has also been lodged against the petitioner for the offences punishable under Sections 419, 420, 467, 468, 471 and 472 of the Indian Penal Code. In the departmental inquiry on the basis of inquiry report, the disciplinary authority passed the order impugned whereby the services of the petitioner has been terminated, which has also been affirmed by the Appellate Authority.

3. Learned counsel for the petitioner would submit that during pendency of this petition, after passing of the appellate order and before submitting this writ petition, the Trial Court vide its judgment dated 12.04.2021 acquitted the applicant-petitioner from all charges levelled against him. Therefore, it is prayed by the counsel that the matter of the petitioner is squarely covered with the observations made by the Hon'ble Supreme Court in the case of ***Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Ors. 1999 (3) SCC 379*** and also ***G.M. Tank Vs. State of Gujrat and Ors. 2006 (5) SCC 446***



and *Ram Lal Vs. State of Rajasthan and Ors. 2024 (1) SCC 175*.

4. Therefore, it is prayed by the counsel that in the light of the above referred judgment passed by the Hon'ble Supreme Court, which has been relied upon by the Co-ordinate Bench of this Court also in the case of *Prakash Kumar Paswan Vs. The State of Bihar* in CWJC No. 4084 of 2020, this writ petition may also be disposed of.

5. The above prayer made by the counsel for the petitioner is not opposed by the counsel for the respondents-State.

6. Considering the submissions made by both the counsels, the petition is disposed of with liberty to the petitioner to approach before the respondents who shall re-consider the order of dismissal of the petitioner in the light of mandate of the Hon'ble Apex Court in the cases so referred earlier herein. It is further directed that the competent authority will exercise and conclude the proceeding as early as possible probably within 60 days from the date of receipt/production of a copy of this Court and pass a reasoned order.

7. However, petitioner is a liberty to approach this Court again if occasion will arise subsequently.



8. With the above observation, this petition is disposed of.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.05.2025
Transmission Date	NA

