

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3214 of 2025

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Bidur Sahni @ Vidur Sahni Son of Late Baliram Sahni Resident of Village-
Barharwa, P.S.- Muffasil, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The D.I.G. of Police, Bihar Special Armed Police, Northern Zone, Muzaffarpur.
4. The Commandant, Bihar Special Armed Police-6 Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Adv.
For the Respondent/s : Mr. Shankar Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-02-2025 Heard the parties.

2. The petitioner is aggrieved with the order dated 05.12.2022 (Annexure-P/7) issued by the Commandant, Bihar Special Armed Police-6, Muzaffarpur whereby, he has been inflicted with the punishment of dismissal; and further the appeal preferred by the petitioner before the Deputy Inspector General of Police, Special Armed Police, Bihar, also came to be rejected on 03.08.2023.

3. The submission of the petitioner for the present is within limited bounds that for the identical charges; and in fact based upon the imputation in a criminal case, similarly a departmental proceeding was initiated, which led to dismissal of



the petitioner and further affirmed by the appellate authority. However, in the interregnum period, the petitioner, was also put to trial in connection with Chakia P.S. Case No. 296 of 2021 giving rise to Trial No. 342 of 2024, the petitioner has been acquitted from all the charges, as the prosecution has failed to prove the charges against the petitioner beyond the shadow of all reasonable doubt vide judgment dated 05.09.2024 passed by the learned Judicial Magistrate, 1st Class, East Champaran at Motihari.

4. Referring to the aforesaid facts and the judgment rendered by the learned trial Court, learned Advocate for the petitioner thus contended that since the petitioner is already acquitted from criminal Court, obviously it necessitated re-consideration by the superior authority of the earlier order passed by the disciplinary authority. It is further contended that there is a guideline issued by the State Government to the effect that if the criminal Court acquitted the accused government servant, who had earlier been punished in departmental proceedings, the appointing authority must immediately review the case. Reliance has also been placed on a judgment rendered by the Hon'ble Supreme Court in the case of ***G.M. Tank vs. State of Gujarat & Ors. [(2006) 5 SCC 446]***. It is lastly



contended that since the charges in both the departmental proceeding as well as in criminal case was identical and the evidences and witnesses are same, thus, in case of acquittal of the petitioner, which has material bearing over the issue, the petitioner submitted a supplementary petition to the memorial which was filed on 02.11.2023 itself and the same is still pending before the Director General of Police, Bihar, Patna. The copy of the memorial as well as supplementary petition to the memorial has been placed on record as Annexure-P/10 and Annexure-P/12, respectively.

5. Learned Advocate for the State submits that since the memorial is pending before the Director General of Police, Bihar, Patna, who is the competent authority to consider the contention of the petitioner and dispose off the same.

6. Considering the aforementioned facts and especially, the submissions advanced by the learned Advocate for the petitioner that during the interregnum period, the petitioner has been acquitted from all the charges, as noted hereinabove, the Director General of Police, Bihar, Patna is directed to consider the supplementary petition to the memorial as contained in Annexure-P/12, in the light of the ruling of the Hon'ble Supreme Court in the case of **G.M. Tank** (supra), and pass an



appropriate reasoned and speaking order, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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