

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3447 of 2022

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Sheoji Prasad Son of Late Kapildeo Prasad resident of Village- Alwalpur, P.S.
Gaurichak, District- Patna, Bihar- 800007

... .. Petitioner/s

Versus

1. The State of Bihar through its Addl. Chief Secretary, Home Department, 4
Deshartan Marg, Rajbansi Nagar, Patna, Bihar- 800001
2. The Director General of Police, Bihar, Sardar Patel Bhavan, Patna.
3. The Deputy Inspector General of Police, Central Range, Patna.
4. The Accountant General, Government of Bihar, Patna.
5. The Commandant, B.M.P.- XIV, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Raghu Raj Pratap, Advocate Ms. Jaya Singh, Advocate Mr. Hritik Anand, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 24-04-2025 Heard the parties.

2. This is the third round of litigation where the petitioner has approached this Court seeking a direction upon the respondents to ensure payment of all the retiral benefits including pension, gratuity, group insurance, unutilized leave encashment and other benefits as is admissible to the petitioner.

3. The short matrix of the case is that the petitioner was duly appointed as a constable in Bihar Military Police, XIV battalion in the year 1986 and he submitted his joining on 03.03.1986. While the petitioner was working as a constable, he



departed on 12 days leave on 18.03.1999, but he did not report on the schedule date and continuously remained absent without any information or permission. The petitioner finally reported on duty on 29.07.1999 after remaining on unauthorized leave for 120 days alongwith the medical certificate and requested for sanction of leave of 120 days. On enquiry, it came to be found that the medical certificate of the doctor of Sadar hospital, Hajipur, produced by the petitioner was forged and it was concealed that he was made accused in connection with Gaurichak P.S. Case No. 148 of 1999 registered for the offences punishable under Section 302, 323/34 of the Indian Penal Code. This led to initiation of a departmental proceeding and after proper departmental enquiry the charges stood proved leading to dismissal of the petitioner from his service by the disciplinary authority on 29.05.2000. The petitioner preferred appeal before the Deputy Inspector General of Police, military police (Central Division, Patna) which also came to be rejected.

4. Being aggrieved, the petitioner approached this Court in C.W.J.C. No. 121 of 2001, which writ petition stood dismissed with observation to pay the salary or suspension allowance for the period 29.07.1999 till 29.05.2000, i.e. the date on which the order of removal from service was passed. The



matter was brought before the Division Bench of this Court through Letters Patent Appeal No. 101 of 2001 at the ends of the petitioner, which also stood dismissed. In the mean time, the petitioner who was facing the criminal case arising out of Gaurichak P.S. Case No. 148 of 1999 giving rise to Sessions Trial No. 1282 of 2000, ended in acquittal as the prosecution could not be able to prove the charges levelled against the petitioner and other accused persons, the copy of which is placed on record as Annexure 3 to the writ petition.

5. On the strength of the order passed by the learned trial court, whereby the petitioner has been acquitted, the petitioner again moved the department unsuccessfully. Aggrieved with the order passed by the Deputy Inspector General of Police as well as Director General of Police, Bihar, Patna, the copy of which is marked as Annexure 4 and 5, the petitioner once again moved this Court in C.W.J.C. No. 14248 of 2010; however, this time again the petitioner met with the similar fate and the Court on being found no merit in the writ petition, dismissed it on merit as well as on technical ground, having taken note of the fact that the petitioner has already challenged the dismissal order, but unsuccessfully at all stages.

6. This order was further put to challenge before the



learned Division Bench in Letters Patent Appeal No. 380 of 2018 where the learned Division Bench in no uncertain terms has observed that during the trial all the witnesses had turned hostile and consequently the appellant got the benefit of doubt. In such circumstances, the acquittal in no way helped the appellant, inasmuch as, the first charge with regard to his absence from 25.03.1999 to 28.07.1999 was proved on the basis of documents received from the jail that he was under detention, whereas, the defence taken by the appellant (petitioner) was that he was being treated and had tendered a medical certificate, which was obviously false. The said charge therefore of producing false medical certificates stands established.

7. In these circumstances, the Court held that mere acquittal in criminal case, does not come to the aid of the appellant.

8. From the aforementioned admitted position, there is no iota of confusion that the issue of dismissal of the petitioner stands affirmed by all the authorities and has also been affirmed the learned Division Bench of this Court. Hence, in no circumstances, the petitioner can get other benefit, except the provident fund as well as group insurance.

9. Learned Advocate for the State referring to the



supplementary counter affidavit has submitted that all the admissible amount under the head of provident fund as well as group insurance have been paid to the petitioner.

10. In the aforementioned facts, this Court does not find any merit in the present writ petition; moreover the admissible retiral benefits have been paid to the petitioner.

11. The writ petition stands closed.

(Harish Kumar, J)

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