

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12399 of 2025

=====

Dinesh Kumar Son of Bisar Yadav, Resident of Village- Bangla Kothi, P.O.-
Belawon, P.S.- Kaler, District- Arwal, Pin- 824127.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home (Police)
Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The D.I.G. of Police, Begusarai Range, Begusarai.
4. The Superintendent of Police, Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Dr. Mayanand Jha, Sr. Advocate Mr. Gaurav Prakash, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Mrigendra Kumar, AC to GP-20 Mr. Rajeev Ranjan, AC to GP-20

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
Date : 08-09-2025

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

“i. For issuance of an appropriate writ/order/direction for setting aside the order of termination from service passed by the Superintendent of Police, Begusarai vide District Order No. 1550/2024 as contained in Memo No.4656 dt. 13.9.2024.

ii. For setting aside Appellate order passed by the Deputy Inspector General of Police, Begusarai Range, Begusarai, as contained in Memo No.300



dt.21.11.2024 and consequential Ziladesh No. 1976 / 2024 bearing Memo No.5644 dt. 6.12.24 issued by the S.P., Begusarai, whereby he rejected the Appeal preferred by the petitioner against order of termination passed by the S.P., Begusarai.

iii. For setting aside the order passed by the D.G.Police, Bihar, Patna rejecting the Memorial/revision filed by the petitioner vide Memo No. 218 dt.2.6.2025 and consequential Ziladesh No. 1066/2025 bearing Memo No.2401 dt. 15.6.2025 issued by the S.P., Begusarai.

iv. For issuance of order/direction to reinstate the petitioner in service from the date of termination with consequential benefits;

v. For grant of any other relief / reliefs to which the petitioner may be entitled to, in the eyes of this Hon'ble Court."

3. The case of the petitioner in brief is that the Central Selection Board for Constable recruitment in Bihar Police came out with Advertisement no.5 of 2020 for filling up posts of Constables. The petitioner having cleared the written examination, the screening test as also the physical test was selected and recommended for appointment in Begusarai district. He was appointed as a Constable in the Bihar Police on 19.10.2022 and gave his joining in Begusarai District Police. He was issued temporary Constable no.351.

4. It is the case of the petitioner that after his joining,



he filled up the character verification form wherein in response to a query as to whether the applicant was ever accused in any criminal or civil case or had been imprisoned, the petitioner replied in the negative.

5. On a report being sought by the Superintendent of Police, Begusarai, it transpired that the petitioner was an accused in Kaler P.S. Case no.49 of 2018 registered on 13.10.2018 under sections 323, 341, 379, 427, 504 and 34 of the Indian Penal Code and section 3(1)(r) and 3(1)(s) and 3(2)(va) of the S.C. and S.T. (Prevention of Atrocities) Act, 1989. On receipt of the report about the petitioner being an accused, a show cause was issued by the Superintendent of Police, Begusarai on 17.3.2023 to which the petitioner filed his reply on 30.5.2023.

6. A departmental proceeding bearing no.56 of 2023 was started on 28.3.2024 wherein the petitioner appeared and filed his reply. The conducting officer submitted his enquiry report on 31.7.2024. A copy of the enquiry report was made available to the petitioner who on being directed filed his reply to the show cause on 13.8.2024.

7. The Superintendent of Police, Begusarai by order dated 13.9.2024 passed the order of punishment terminating



the petitioner from service. Being aggrieved by the order of termination, the petitioner preferred an appeal before the D.I.G., Begusarai, however, the appeal was rejected on 21.11.2024. The petitioner thereafter preferred a memorial before the Director General of Police, Bihar which also came to be rejected on 2.6.2025. The petitioner has preferred the instant application against the order of his termination as also the orders rejecting his appeal and memorial. The petitioner has further prayed that he be reinstated in service from the date of termination with consequential benefits.

8. It is submitted by learned counsel appearing for the petitioner that the petitioner was accused in two cases i.e. Arwal S.C./S.T. P.S. Case no.16 of 2018 dated 3.9.2018 as also Kaler P.S. Case no.49 of 2018 dated 13.10.2018. Though the cases had been lodged earlier, as the parties had orally entered into a compromise, the petitioner was under the impression that the case had come to an end and as such, the petitioner had filled up in his form that he was not an accused in any case. Learned counsel submits that furnishing of incorrect information should have been considered by the respondents objectively on due



consideration of the fact that ultimately the petitioner had been implicated in the case because of land dispute and in both the cases, the parties had entered into a compromise and the petitioner had been acquitted. In support of his contention, learned counsel for the petitioner has relied on the judgments in the case of *Commissioner of Police, Delhi & Anr. vs. Dhabal Singh; (1991) 1 SCC 246*, *Avtar Singh vs. Union of India & Ors; (2016) 8 SCC 471* and *Pawan Kumar vs. Union of India & Anr.; (2023) 12 SCC 317*. It is thus submitted that the orders impugned be set aside and the petitioner be reinstated in service with consequential benefits.

9. It was submitted by learned counsel appearing for the respondents that the matter relates to appointment as Constable in police force. On having been appointed as a Constable, the petitioner was required to fill up the character verification form, a copy of which has been brought on record as Annexure P/2 to the writ petition. In spite of the petitioner being in know of the fact that he was an accused in two cases registered in the year 2018, nevertheless he incorrectly answered the query in the negative. It is submitted that there is absolutely no explanation for the



incorrect statement made and the respondents having followed the procedure laid down rightly terminated the petitioner from service. There is no illegality in the order of termination nor in the orders passed in appeal or memorial and as such, the instant application be dismissed.

10. Heard learned counsel for the petitioner, learned counsel for the respondents and perused the material on record.

11. The relevant facts in brief are that the petitioner having succeeded in the written examination followed by the screening and physical test held for appointment of Constable in Bihar Police against Advertisement no.5 of 2020, he submitted his joining in the Begusarai District Police with temporary Constable no.351.

12. On being asked to fill up the character verification form, on 28.9.2022, the petitioner filled up the same in his own handwriting. Clause 7 of the form was a query as to whether the applicant has been an accused in any criminal or civil matter and whether he had been imprisoned. The applicant was further directed to give the details thereof.

13. In reply to the said query, the petitioner answered in the negative by writing 'no'.



14. It is not in dispute that in the year 2018 itself, the petitioner had been made accused in two cases ie (i) Arwal S.C./S.T. P.S. Case no.16 of 2018 dated 3.9.2018 registered under sections 147, 149, 341, 323, 427, 354 and 504 of the Indian Penal Code and sections 3(2)(va) of S.C. and S.T. (Prevention of Atrocities) Act, 1989 and (ii) Kaler P.S. Case no.49 of 2018 dated 13.10.2018 registered under sections 323, 341, 379, 427, 504 and 34 of the Indian Penal Code and section 3(1)(r) and 3(1)(s) and 3(2)(va) of the S.C. and S.T. (Prevention of Atrocities) Act, 1989. It is also not in dispute that four years later while filling the form on 28.9.2022, the petitioner was aware of the fact that he was accused in the two cases, however, he suppressed the same.

15. A bare perusal of Clause 7 of the form, at Annexure-P/2, would show that the erroneous impression of the petitioner that both the matters had been compromised and the cases had come to an end is of no significance for the reason that Clause 7 does not state that details of only those cases are to be given which are pending or in which the applicant has been convicted. Clause 7 asks for the details of all cases including criminal and civil wherein the applicant may have been made accused or was a party.



16. So far as the judgments relied on by learned counsel for the petitioner are concerned, in the case of ***Dhabal Singh (supra)***, it was the respondents who had voluntarily conveyed to the appellant that he had inadvertently failed to mention about the pendency of the criminal case against him in the appropriate column. In ***Avtar Singh (supra)***, the Hon'ble Supreme Court was of the opinion that for determining suppression or false information attestation/verification form has to be specific and not vague. Only such information which was required to be specifically mentioned had to be disclosed. Further, in ***Pawan Kumar (supra)***, the Hon'ble Supreme Court observed that the effect of suppression of involvement in a criminal case is left for the employer to consider and mere suppression of material information in a given case does not mean that the employer can arbitrarily terminate the employee from service.

17. In the opinion of the Court, none of the judgments cited herein above are of any assistance to the petitioner in the facts of the case. In spite of being conscious of two cases which were pending since the year 2018, the petitioner failed to mention about the same while filling up the form in



the year 2022. It was only on the respondents coming to know about the incorrect information having been furnished with respect to pendency of criminal cases by the petitioner and issuing a show cause notice to the petitioner on 17.3.2023 that subsequent thereto the compromise petitions were filed in the two cases on 20.3.2023 and 9.12.2024 and the criminal cases ended in judgment of acquittal on 23.4.2024 and 24.1.2025 respectively.

18. The petitioner has not been able to point out any illegality in the proceedings or in the order of termination nor in the orders passed in appeal or memorial.

19. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.09.2025
Transmission Date	N/A

