

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13200 of 2023

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Niwas Choudhary @ Niwash Kumar Choudhary @ Nivas Chaudhary Son
of Laloo Choudhary, Resident of Karhara, P.S. - Ghoshi, District -
Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Director General of Police, Bihar, Patna.
3. I.G. of Police, Central Range, Patna.
4. S.P., Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Adv.
Mr. Maruit Kumar, Adv.
For the Respondent/s: Mr. Md. Khurshid Alam (Aag 12)
Md. Majid Mahbood Khan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 18-02-2025 Heard learned counsel for the petitioner and

learned counsel for the respondents-State.

2. This petition has been preferred by the

petitioner seeking following reliefs;

“That, this is an application for issuance of appropriate writ, order or direction to set aside the order of dismissal dated 29.11.2022 (Annexure-4) passed by S.P., Nalanda and order dated 3.1.2022 (Annexure-7) by which appeal of petitioner has been rejected and order of D.G. of Police, Bihar, Patna conveyed by S.P., Nalanda by order dated 26.7.23 (Annexure-9) by which memorial of the petitioner has been rejected and for grant of all consequential benefits”

3. The brief facts of the case is that pursuant to an

advertisement No. 5/2020 published for selection and

appointment for the post of Constable, the petitioner



applied and succeeded in the written and physical examination. He was appointed on the post of Constable on 01.11.2022 in the district of Nalanda. Soon after his appointment, he was asked a show cause on 16.11.2022 on the ground that he concealed the fact that he was named accused in Ghoshi P.S. Case No. 230 of 2022 which was registered on 14.05.2022. On this ground alone, the services of the petitioner has been dismissed by the Superintendent of Police, Nalanda vide its order dated 29.11.2022 (Annexure-P/4). Being aggrieved, the petitioner preferred an appeal against the order of dismissal before the Inspector General of Police, Central Range, Patna, which stood dismissed vide order dated 03.01.2023 (Annexure-7). Thereupon, the petitioner preferred memorial before the Director General of Police, Bihar, Patna against the order of appeal, which also stood rejected and the same has been communicated to the petitioner vide letter No. 3976 dated 26.07.2023 (Annexure-9). Hence, petition has been filed.

4. Learned counsel for the petitioner submits that at the time of submission of character verification roll, the petitioner was not aware of the fact that any criminal case is registered against him or not, therefore, in the relevant form,



he declared that no criminal case is pending against him. Subsequently, when he received a show cause notice dated 16.11.2022 (Annexure-P/3), for the first time, he came to know about the pendency of a criminal case being Ghosi P.S. Case No. 230 of 2022 dated 14.05.2022 registered under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338, 379, 384, 504, 506 and 427 of the Indian Penal Code. He further submits that since the petitioner was not aware about the registration of the said F.I.R., he did not disclose the same during submission of character verification roll.

5. Learned counsel for the petitioner further referring to Annexure-P/5 i.e. order dated 30.11.2022 passed by the S.P., Jehanabad, submits that in the said order, it is specifically stated that the petitioner and seven others named accused persons were not involved in the said offence and they are innocent. He further submits that similarly situated co-accused, namely, Roopa Kumari, who was also named in the said F.I.R and, subsequently, she was found innocent vide order dated 30.11.2022, by which the petitioner was also found innocent, was also appointed to the post of Constable and terminated on the ground that she also did not disclose the pendency of criminal case against



her during course of character verification. However, her case was considered and subsequently reinstated in the service with a punishment of one censure vide order dated 30.09.2023 (Annexure-P/11) passed by the Superintendent of Police, Sitamarhi.

6. In view of the aforesaid fact, it is prayed by the learned counsel for the petitioner that the present petition may also be disposed of directed the concerned Superintendent of Police to consider the case of the petitioner taking into the consideration of the decision taken by the Superintendent of Police, Sitamarhi in the case of similarly situated Constable, namely, Roopa Kumari.

7. On the other hand, learned counsel for the respondent does not oppose the submission advanced by the learned counsel for the petitioner.

8. Taking into consideration the submission put-forth by the learned counsel for the petitioner and taking into consideration the fact that the similarly situated Constable, namely, Roopa Kumari, has been reinstated by the Superintendent of Police, Sitamarhi vide its order dated 30.09.2023 and the case of the petitioner is purely identical to the that of Roopa Kumari, in the interest of justice, it



would be appropriate to dispose of the petition of the petitioner directing the respondent No.4/The Superintendent of Police, Nalanda to reconsider the matter of the petitioner and pass a fresh and reasoned order in accordance with the relevant Rules and law and further taking into consideration the order passed by the Superintendent of Police, Sitamarhi in the matter of similarly situated Constable, namely, Roopa Kumari (Annexure-P/11) preferably within a period of 45 days from the date of receipt of a copy of the order of this Court.

9. Accordingly, with the aforesaid observation and direction, the writ petition stands disposed of. The order dated 29.11.2022 (Annexure-P/4) passed by the Superintendent of Police, Nalanda is, hereby, quashed and the subsequent orders affirming the order of termination are also stand quashed.

(Arvind Singh Chandel , J)

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