

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14662 of 2023

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Pawan Kumar Son of Anil Paswan, Resident of Village- Mahesi Tilakpur,
P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Magadh Range, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Circle Inspector, Chandauti, District- Gaya.
6. The Station House Officer, Chakand Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar
For the Respondent/s : Mr.Manish Kumar (Gp4)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-09-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This writ application has been filed for following
relief/s:-

(i) For issuance of appropriate writ in the nature of certiorari for quashing of the charge memo dated 19.07.2018 vide memo no. 3646 issued under the signature of the Senior Superintendent of Police, Gaya as admittedly the Senior Superintendent of Police, Gaya is not a disciplinary officer for the post petitioner holding and same is against the Rule 16 and 17 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005;



(ii) For further stay of the proceeding initiated under Gaya district departmental proceeding case no. 85/2018 till the conclusion of the criminal proceeding initiated on the basis of Chakand P.S. Case No. 54/2018 as in the both proceeding facts and circumstances are same and identical.

3. The petitioner has been issued a Charge Memo dated 19.07.2018 vide Memo No. 3646 issued under the signature of the Senior Superintendent of Police, Gaya.

4. In the opinion of this Court, this is a pre-mature writ and therefore, the same is hereby dismissed with a liberty to the petitioner to approach this Court if any order of punishment is passed in the departmental proceeding.

5. The petitioner is given liberty to file a fresh writ application for stay of the criminal case because of the pendency of the civil writ. If such an application is filed, the same shall be considered on its own merit.

6. The dismissal of this writ petition will not prejudice the claim of the petitioner.

(Sandeep Kumar, J)

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