

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18626 of 2024

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Shambhu Nath Tiwary, Son of Late Baban Tiwary, Resident of Village and
P.O.- Manikpur, Pakri, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Department, (Bihar Police) Bihar, Patna.
3. The Director General of Police, Old Secretariat, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Superintendent of Police, Patna.
7. The Superintendent of Police, Biharsarif, Nalanda.
8. The Sergeant Major, Nalanda.
9. The Sergeant Major, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Pandey, Advocate
For the Respondent/s	:	Mr. Sushant Pravin, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-01-2025 Heard Mr. Radha Mohan Pandey, learned counsel for

the petitioner and Mr. Sushant Pravin, learned counsel for the

State.

2. The petitioner is aggrieved with the order as
contained in Patna District Order No. 2414 of 2023 issued by
the Senior Superintendent of Police, Patna, by which the
services of the petitioner has been terminated w.e.f. 18.05.2023,
knowing very well that the petitioner shall attain his
superannuation on 31.05.2023.



3. While assailing the impugned order, learned counsel for the petitioner contended that so far the stand of the respondents that the appointment of the petitioner was irregular, the issue stood settled on the earlier round of litigation in C.W.J.C. No. 2093 of 2016 vide order dated 13.03.2019, however, liberty was granted to the competent authority to proceed against the petitioner in accordance with law after giving due opportunity of hearing. Taking shelter of the liberty as granted by this Court, the respondent authorities again proceeded and passed the impugned order of termination. There are various legal and procedural infirmities in the order impugned, is the contention of learned counsel for the petitioner.

4. Learned counsel for the State drawing the attention of this Court to para-39 of the writ petition has contended that the petitioner being aggrieved against the order of termination, has preferred Service Appeal before the Inspector General of Police, Central Area Patna on 08.06.2023. Thus, it would be proper that the Service Appeal be disposed off before adjudication of the matter by this Court.

5. Having considered the rival contentions of the parties and taking note of the fact that the Service Appeal preferred by the petitioner is pending consideration before the



Inspector General of Police, Central Area Patna, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent no.4, the Inspector General of Police, Bihar, Patna, to dispose off the Service Appeal of the petitioner, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

6. It is made clear that while considering the Service Appeal of the petitioner, the respondent authorities shall be obliged to consider the points of law as well as the precedence, referred by the petitioner as contained in Annexures-15, 16 and 17 to the writ petition.

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

(Harish Kumar, J)

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