

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19241 of 2024

Md Tarique Anwar Ansari Son of Late Md. Iftakhar Ansari, Resident of Village Malah Bigha, Police Station Islampur, District- Nalanda, presently posted as Sub-Inspector of Police at Police line Katihar, Police Station Sayak Police Station and District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Sardar Patel Bhawan, Patna.
2. Additional Director General of Police, Law and Order, Government of Bihar, Sardar Patel Bhawan, Patna.
3. Additional Director General of Police, Headquarter, Government of Bihar, Sardar Patel Bhawan, Patna.
4. The Deputy Inspector General of Police, Purnia Division, Purnia.
5. The Superintendent of Police, Katihar.
6. Sub-Divisional Police Officer, Sadar -1, Katihar Sub- Division, Katihar.
7. Dharmendra Kumar, Sub-Divisional Police Officer, Sadar- 2, Katihar, Katihar.
8. The Officer In Charge of Roshna Police Station, District- Katihar.
9. Departmental Inquiry Officer cum Dy. S.P (Hq), Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Md. Helal Ahmad, Advocate
For the Respondent/s : Mr. Standing Counsel (16)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-01-2025

Heard Md. Helal Ahmad, learned Advocate for the petitioner and the learned Advocate for the State.

2. The petitioner has invoked the jurisdiction of this Court for the following reliefs:

“(I) For quashing of order dated 11.08.2024 issued under Memo No. 3533 by the Respondent No.5 Superintendent of Police, Katihar whereby show cause issued for initiating



departmental proceedings against petitioner by framing memo under Prapatra (ka) and also quash the order dated 26.9.2024 issued under Memo. No. 4212 of respondent no.5, whereby departmental proceeding initiated against the petitioner for fake charges.

(II) For quashing of order dated 11.08.2024 issued under Memo No. 3536 by Respondent no.5, the Superintendent of Police, Katihar whereby show cause issued for initiating departmental proceeding initiated against the petitioner by framing Prapatra (ka) against the petitioner also quash the order dated 26.9.2024 issued under Memo. No. 4214 of respondent no.5, whereby another departmental proceeding initiated against the petitioner for same charges as well for filing application to the respondent no.1.

(III) For quashing of order dated 03.08.2024 issued under Memo No. 1597 by the Respondent No.4, Deputy Inspector General of Police, Purnia Division, Purnia whereby Respondent No.5 has been directed to initiate departmental proceeding against the petitioner for submitting application to the respondent no. 1, the Director General of Police, Bihar, Patna.

(IV) Further direct the Respondent No.5 to send alleged video footage to Forensic Sciences Laboratory (F.S.L.) Patna for its examination as on the basis alleged video footage petitioner was suspended from the post of Officer Incharge of Roshna Police Station and alleged departmental proceeding initiated.

(V) For direction to the Respondent No.5 to provide the alleged video footage to the petitioner and after investigation lodge F.I.R against the person who got alleged fake video footage prepared and circulated in whatsapp.

(VI) Further direct the Respondent No.4 and 5 to restore the petitioner to the post of Officer In-charge.

(VII) Further direct the Respondent



No.1 to 3 to promote petitioner to the post of Inspector as due on 21.09.2024.

(VIII) During the pendency of this writ application stay the impugned order dated order dated 26.9.2024 issued under Memo No. 4212 and order dated 26.09.2024 issued under Memo No. 4214 of respondent no. 5.”

3. After some arguments, learned Advocate for the petitioner fairly contended that against the show-cause notice and the memo of charge, the petitioner has filed a detailed show-cause reply, as contained in Annexure-P/16 to the writ petition. Despite the disposal of the representation, the respondent Superintendent of Police, Katihar is proceeded further in the departmental proceeding. It is the contention of the petitioner that the alleged video footage, based upon which the entire departmental proceeding is initiated, is an edited and morphed footage, which is required to be examined by the Forensic Sciences Laboratory, before proceeding against the petitioner.

4. At this juncture, learned Advocate for the State submits that since the present writ petition has been filed against the show-cause and the memo of charge, the same is not maintainable, as no cause of action has arisen. The petitioner has already filed his detailed show-cause reply, which would be considered by the competent authority.



5. Considering the prayer made in the writ petition and the law settled by the Hon’ble Supreme Court in the case of *Secretary, Ministry of Defence and Ors. Vs. Prabhash Chandra Mirdha, (2012) 11 SCC 565*, this Court finds that at present, no interference is required. However, the respondent no. 5 is directed to consider the detailed representation of the petitioner, as contained in Annexure-P/16 to the writ petition, before proceeding any further.

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

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.01.2025.
Transmission Date	NA

