

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.795 of 2026

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Sunil Kumar son of Sri Ramjit Chaudhary, resident of Village-Mozakka, P.S.-
Bikram, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Inspector General of Police, Central Zone, Patna
3. The Senior Superintendent of Police, Patna
4. The Superintendent of Police, Madhubani
5. The Superintendent of Police, Administration, Navin Police Centre, Patna
6. The Sub Divisional Police Officer, Sachiwalaya-02, Patna-cum- Enquiry officer
7. The Deputy Superintendent of Police, (Probation) Navin Police Kendra, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate
For the State : Mr. Dhurjati Kr. Prasad (GP-14)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for directing the respondent no.4 to reinstate the petitioner into service in the District Police Force, Madhubani and to accept his joining on the post of Constable at Madhubani Police Force, as in the departmental proceeding *vide* Ziladesh No. 309 of 2024 read with Memo No. 1021 dated 15.01.2024, the petitioner has been removed from service and against the order of removal, the petitioner preferred an appeal before the Respondent no.2 and



thereafter, the Respondent no.2 *vide* Memo No. 767 dated 27.08.2024 allowed the appeal of the petitioner and passed order that imposed penalty upon the petitioner for removal from service is set aside on the ground that departmental proceeding was full of infirmity and vitiation and directed to initiate a fresh departmental proceeding against the petitioner and thereafter, the Respondent no.3 *vide* Patna Ziladesh No. 1252 of 2025 read with Memo No. 4900 dated 21.03.2025 passed the order that earlier imposed penalty passed by the Deputy Inspector of Police-cum-Senior Superintendent of Police, Patna is set aside and order is passed to initiate fresh departmental proceeding against the petitioner by which, the defect of the departmental proceeding may be cured.

3. Learned counsel for the petitioner submits that upon the order passed by the Inspector General of Police, Patna being the Appellate Authority, the petitioner has submitted his representation *vide* Annexure-P/7 for acceptance of his joining, but there was no decision taken by respondent no.4 including other respondent authorities.

4. Learned counsel for the State, on the other hand, submits that the relief which the petitioner is demanding cannot be granted to him. He submits that setting aside the order passed



by the Disciplinary Authority and matter remanded back for fresh departmental proceeding shall not accrue any right in the petitioner to join services afresh. He submits that in the light of the decision made by the Hon'ble Supreme Court of India in case of *The State of Uttar Pradesh & Ors. Vs. Rajit Singh* reported in **2022 (2) PLJR SC 196**, particularly it's para 8 is very much relevant. Counsel submits that it is a settled legal proposition, that once the court sets aside an order of punishment, on the ground that the enquiry was not properly conducted, the court cannot reinstate the employee. It must remit the case concerned to the disciplinary authority for it to conduct the enquiry from the point that it stood vitiated, and conclude the same.

5. Upon hearing the parties, it is relevant to quote the relevant para 8 of the said judgment of *The State of Uttar Pradesh & Ors. (supra)*, which reads as under:-

“8. It appears from the order passed by the Tribunal that the Tribunal also observed that the enquiry proceedings were against the principles of natural justice in as much as the documents mentioned in the charge sheet were not at all supplied to the delinquent officer. As per the settled proposition of law, in a case where it is found that the enquiry is not



conducted properly and/or the same is in violation of the principles of natural justice, in that case, the Court cannot reinstate the employee as such and the matter is to be remanded to the Enquiry Officer/Disciplinary Authority to proceed further with the enquiry from the stage of violation of principles of natural justice is noticed and the enquiry has to be proceeded further after furnishing the necessary documents mentioned in the charge sheet, which are alleged to have not been given to the delinquent officer in the instant case In the case of [Chairman, Life Insurance Corporation of India and Ors. Vs. A. Masilamani](#), (2013) 6 SCC 530, which was also pressed into service on behalf of the appellants before the High Court, it is observed in paragraph 16 as under:-

“16. It is a settled legal proposition, that once the court sets aside an order of punishment, on the ground that the enquiry was not properly conducted, the court cannot reinstate the employee. It must remit the case concerned to the disciplinary authority for it to conduct the enquiry from the point that it stood vitiated, and conclude the same. ([Vide ECIL v. B. Karunakar](#) [(1993) 4 SCC 727], [Hiran Mayee Bhattacharyya v. S.M.](#)



School for Girls [(2002) 10 SCC 293], U.P. State Spg. Co. Ltd. v. R.S. Pandey [(2005) 8 SCC 264] and Union of India v. Y.S. Sadhu [(2008) 12 SCC 30]).”

6. In the light of the settled principle of law, this Court restrain itself to pass any order to the respondent authorities to accept the joining save and except directs the Disciplinary Authority to conduct the disciplinary proceeding in accordance with law as observed by the appellate order, within the stipulated period of time of three months only. Since, order of termination has set aside, therefore, petitioner’s status as suspended employee shall continue.

7. Accordingly, with the aforesaid observation, this writ petition stands disposed off.

(Dr. Anshuman, J)

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