

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4147 of 2024

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Raj Kumar son of Rajendra Prasad Resident of Village Kamal Bigha, Post
Bilari, P.S. Katri Sarai District Nalanda PIN 805130

... .. Petitioner/s

Versus

1. The State of Bihar The State of Bihar through the Additional Chief
Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police -cum-I.G. Police, Bihar, Patna
3. The I.G. of Police Magadh Zone, Gaya
4. The S.S.P. Gaya at Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mayanand Jha, Sr. Advocate
		Mr. Gaurav Prakash, Advocate
		Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 09-02-2026

Heard learned Sr. counsel appearing for the petitioner
and learned counsel appearing for the State.

2. The present application has been filed for

*“..... for setting aside the order of
termination/discharge, vide Gaya District Order
No.2420/2015 as contained in Memo No. 3778 dated
12th November 2015 (Annexure-P-5) issued by the
Senior Superintendent of Police, Gaya as well as
Appellate order contained in Memo No. 395 dated
20.02.2023 passed by the Inspector General of*



Police, Magadh Zone, Gaya (Annexure P8), on the Appeal preferred by the petitioner whereby he rejected the appeal against his termination from service as a constable in Bihar Police and further to direct the Respondents to reinstate the petitioner in service with all consequential benefits.”

3. Learned Senior Counsel appearing for the petitioner submits that the termination of the petitioner was effected without initiation of any departmental proceeding, vide Gaya District Order No. 2420, as contained in Memo No. 3778 dated 12.11.2015 (as contained in Annexure P/5).

4. Learned Sr. Counsel for the petitioner confines his prayer to the extent that parity be maintained with a similarly situated person, namely Arvind Kumar Singh, who had challenged his order of termination by filing CWJC No. 1071 of 2023, wherein, vide order dated 08.05.2023, the orders passed by the original as well as the appellate authorities were set aside, subject to certain terms and conditions. Learned Senior Counsel further submits that the case of the present petitioner is identical to that of Arvind Kumar Singh (supra) and, therefore, the petitioner is entitled to similar treatment.

5. Learned counsel appearing for the State submits that a counter affidavit has been filed on behalf of the State, wherein it has been stated that the orders passed by the original authority



as well as the appellate authority were passed strictly in accordance with law and do not call for any interference by this Hon'ble Court. He, however, fairly submits that it is correct that a similarly situated person had approached this Hon'ble Court by filing CWJC No. 1071 of 2023, which was disposed of by a conditional order.

6. In light of the submissions advanced by the learned counsel for the parties, it transpires to this Court that parity deserves to be maintained with the present petitioner as well. It further transpires to this Court that in the case of Arvind Kumar Singh (supra), this Hon'ble Court was pleased to observe in paragraphs 9 and 10 as under:—

10. In CWJC No. 4515 of 2017, having considered the entire materials and submissions of the parties, this Court allowed the writ application, the operative part of the order reads as under:-

“25. In the nature of the submissions and the materials present on record and there being an admitted position that no Presenting Officer was appointed, this Court sets aside the impugned order of dismissal and the appellate order in all these writ applications and directs the concerned disciplinary authority to conduct the disciplinary proceeding from the stage of inquiry afresh in accordance with the procedures laid down under Rule 17 of the Service Rules governing the employment of these petitioners and take an appropriate decision thereon within a period of four months from the date of receipt/production of the copy of this order. 26. Needless to say that in



terms of the Hon'ble Constitution Bench judgment in case of B. Karunakar (supra), the disciplinary authority shall take an appropriate decision as regards reinstatement for purpose of conducting the disciplinary proceeding only. Other consequential benefits, if any admissible to the petitioners would depend upon the result of the disciplinary proceeding. 27. These writ applications are allowed to the extent indicated hereinabove."

11. In the aforesaid view of the matter, the impugned orders as contained in Annexures 'P4' and 'P7' are hereby set aside and the writ application is allowed in terms of the order dated 10.04.2023 of this Court passed in CWJC No. 4515 of 2017 and other analogous matters."

7. In view of the fact that both the present petitioner and the said Arvind Kumar Singh were removed from service by the same order, as contained in Memo No. 3778 dated 12.11.2015, this Court hereby sets aside the order dated 12th November, 2015 as contained in Memo No. 3778 issued by the Senior Superintendent of Police, Gaya (Annexure P/5) and the appellate order dated 20.02.2023 contained in Memo No. 395 passed by the Inspector General of Police, Magadh Zone, Gaya (Annexure P/8) and directs the concerned authority to do the needful in the light of the observations made in paragraph 10 hereinabove.

8. It is made clear that the departmental proceeding, if initiated, shall be concluded within a period of six months from today.



9. With the aforesaid observations and directions, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	11/02/2026
Transmission Date	NA

