

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9499 of 2021

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Gudiya Kumari daughter of Pano Paswan Resident of Village- Purani Bazr
Shakarwar Tola Ward No-14, Mokama, PS- Mokama, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. D.G. of Police, Bihar, Patna.
3. D.I.G Military Police (Kendriya Mandal Patna)
4. Commandant Mahila Sashastra Wahini, Sasharam.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ebrahim Kabir, Advocate
		Ms. Shruti Sinha, Advocate
For the Respondent/s	:	Mr. Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

8 13-05-2026 Heard Mr. Ebrahim Kabir, learned counsel for the
petitioner and Md. Irshad, learned counsel for the State.

2. This writ petition has been filed by the petitioner who was working as a lady Constable in Bihar Women Military Police challenging the order dated 09.09.2019 issued by Commandant Mahila Sashatra Wahini, Sasharam vide Memo No. 219/Go (annexure-4 to the writ petition), order dated 17.12.2019 issued by the DIG, Military Police (Kendriya Mandal) Patna vide Memo No. 1626/Ra.Ka. (annexure-6 to the writ petition) and order dated 18.01.2021 issued by the DG of Police Bihar Patna vide Memo No. 09/P-05 (annexure-7 to the

writ petition) whereby the petitioner's service has been dismissed on the ground that at the time of her appointment, she was married and while in service she contacted another marriage while the first husband was alive and without decree of divorce obtained against the first husband.

3. The aforementioned impugned order dismissing the service of the petitioner has been passed per Rule 23 of the Bihar Government Servants' Conduct Rules, 1976 as well as Rule 707(A) of the Bihar Police Manual, 1978.

4. The State has contested the case by filing a counter affidavit wherein, it has been stated that the petitioner has been dismissed from service on account of her contacting the second marriage while in service, while the first husband of the petitioner was alive and with decree of divorce obtained against the first husband.

5. Learned counsel for the petitioner has relied upon a decision of this Court passed in CWJC No. 3715 of 1998 wherein, in a some what similar circumstances, the dismissal of the petitioner therein for contacting second marriage was held to be disproportionate.

6. It is noticed that the petitioner in the aforementioned writ petition was also a police personnel of Bihar Police.

7. Since a Co-ordinate Bench of this Court in a very similar factual situation has held that dismissal of an employee from service for contacting a second marriage, while the first marriage subsists to be a disproportionate one, this writ petition shall also stand disposed off by setting aside the impugned order of dismissal dated 09.09.2019 issued by Commandant Mahila Sashatra Wahini, Sasharam vide Memo No. 219/Go (annexure-4 to the writ petition), order dated 17.12.2019 issued by the DIG, Military Police (Kendriya Mandal) Patna vide Memo No. 1626/Ra.Ka. (annexure-6 to the writ petition) and order dated 18.01.2021 issued by the DG of Police Bihar Patna vide Memo No. 09/P-05 (annexure-7 to the writ petition) with a liberty granted to the disciplinary authority of the petitioner to pass a fresh order of punishment, in accordance with law, other than dismissal.

8. The writ petition is disposed off with the above direction.

(Nani Tagia, J)

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