

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13841 of 2013

=====

Ramashish Ram S/O Late Ruplal Ram Dismissed Constable No. 79, Vaishali
District Police Force, R/O Ajam Nagar, P.S. Darbhanga (T) District-
Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar through Director General of Police, Govt. of Bihar, Patna.
2. The Director General Of Police Govt. Of Bihar, Patna
3. The Dy. Inspector General Of Police, Tirhut Range, Muzaffarpur
4. The Inspector Of Police Cum Inquiry Officer, Mahua, Hazipur, Vaishali
5. The Superintendent Of Police, Vaishali At Hazipur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shri Prakash Tiwari, Advocate
For the Respondent/s	:	Mr. K.P. Gupta, GP-10
		Mr. Virendra Kuar, AC to GP-10

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 03-07-2026

Heard learned counsel for the parties.

2. The petitioner has filed the instant application for
the following relief (s) :-

“1. A) For issuance of appropriate writ for quashing the letter no. 1084/conf. dt. 08.06.2007 issued under the signature of respondent no. 3 by which appeal preferred by the petitioner has been rejected with liberty to prefer a memorial before the Director General of Police. according to the law, though the said letter dated 08.06.2007 has not supplied to the petitioner, only purport of the said letter was communicated vide letter no. 3266 dated 18.07.2007 issued by the



respondent no.5, hence the letter dated 18.07.2007 is annexed as Annexure- 15 (for purpose of referring the purport of letter dt. 08.06.2007), by which the order of dismissal of the petitioner from the post of constables, passed by respondent no.5 vide letter no. 1173 dated 27.3.2004 (contained in Annexure-13) has been affirmed without considering the facts and circumstances, that allegation leveled against the petitioner for depositing the forged deed/ documents in respect of the land and recommendation letter issued under the signature of respondent no.5 for getting the 2nd installment of house loan seems not been issued by respondent no.5. Though the petitioner is nowhere involved and without providing opportunity to the petitioner for participating in departmental inquiry/ proceeding the inquiry/proceeding has been completed since at that time petitioner was behind the bar for the same occurrence for which a separate criminal case has been lodged by the respondent authorities.

B) For quashing the enquiry report dated 30.9.2003 submitted by inquiry officer contained in Annexure-7 which is passed behind back of the petitioner.

C) For grant of relief to the petitioner by keeping the order of dismissal in abeyance and also for payment of subsistence allowance during pendency of the writ application.

D) For grant of relief or reliefs for which the petitioner is found entitled.”



3. The case of the petitioner in brief is that he joined as a Constable in the police department in the Government of Bihar on 6.8.1984 and his service was satisfactory in the opinion of all concerned.

4. On the allegations of the petitioner having submitted a forged title deed in obtaining a house loan from the respondent authorities, an FIR being Hajipur Town P.S. Case no.281 of 2003 was registered against him under sections 420, 467, 468 and 471 of the Indian Penal Code and a departmental proceeding was also started.

5. The charge in the departmental proceeding was framed against the petitioner on 22.5.2003 and after conduct of the enquiry *ex-parte*, the enquiry report came to be submitted on 30.9.2003 (Annexure-7).

6. The petitioner was served with the copy of the enquiry report to which he filed his reply.

7. The respondents thereafter came out with the order of punishment dated 27.3.2004 under the signature of the Superintendent of Police, Vaishali at Hajipur imposing the punishment of dismissal from service. The appeal preferred by the petitioner was rejected by order dated 18.7.2007 and the memorial filed was also rejected by order dated 8.6.2007



passed by the Director General of Police, Bihar.

8. It is submitted by learned counsel appearing for the petitioner that the charges levelled against the petitioner in the departmental proceeding as also the criminal case were identical and during pendency of the criminal case, the respondents should not have proceeded with the departmental proceeding. It is further submitted that in connection with the criminal case, the petitioner was taken into custody on 22.5.2003 and was granted bail by the Court by order dated 16.9.2003. He was released from custody on 19.9.2003.

9. Learned counsel for the petitioner submits that copy of the memo of charge was not served on the petitioner. On his release from custody, the petitioner filed a representation asking for the relevant documents to enable him to file an effective reply or in fact any reply, however the petitioner was not provided with the documents, no opportunity to cross-examine the witnesses and the Enquiry Officer in a hurried manner proceeded to submit his enquiry report on 30.9.2003. It is thus submitted that there being violation of the principles of natural justice in the conduct of the proceedings, the order of punishment as also order rejecting the appeal and the memorial filed by the petitioner



are all not sustainable and thus be set aside.

10. The application is opposed by learned counsel appearing for the State of Bihar. It is submitted that the charges against the petitioner in the departmental proceeding were very serious of his having obtained housing loan by furnishing a forged title deed, on discovery of which led to lodging of the criminal case as also the proceeding against the petitioner. It is submitted that the petitioner was served with a copy of the memo of charge and was repeatedly given opportunity to appear in the departmental proceeding and present his case. It was after leading of evidence that the Conducting Officer in his enquiry report found the charges to have been proved. There being no violation of either principles of natural justice or any of the provisions of the relevant rules, there is no illegality in the order of punishment and thus the writ application be dismissed.

11. Having heard learned counsel for the parties and having perused the material on record, there is no dispute with respect to the fact that while the charges in the departmental proceeding was framed on 22.5.2003, the petitioner was taken into custody on the same date and on grant of bail by the learned Court in the criminal case, he was finally released



from custody only on 19.9.2003. It transpires from the material on record that the documents demanded by the petitioner including the memo of charge was not served on the petitioner and soon after the petitioner's release on 19.9.2003, the enquiry report came to be submitted on 30.9.2003 finding the charges levelled against the petitioner to have been proved.

12. Even on perusal of the enquiry report (Annexure-7), it transpires that no occasion was given to the petitioner to cross-examine the three witnesses examined on behalf of the management. Reference has been made in the report with respect to letters dated 12.6.2003, 15.6.2003, 26.6.2003, 17.8.2003, 15.9.2003 and 25.9.2003 having been sent to the petitioner informing him about the departmental proceeding and asking him to submit his reply. As observed herein above, the petitioner was in custody from 22.5.2003 and pursuant to the release order, was released from custody only on 19.9.2003. The enquiry report came to be submitted on 30.9.2003. Thus all the letters except the one dated 25.9.2003 were written to the petitioner at a time when he was in custody.

13. In view of the facts and circumstances of the



case, there being violation of the principles of natural justice in the conduct of the proceedings and the petitioner not having been given adequate opportunity by the Conducting Officer, the consequent order of punishment based on the enquiry report cannot be sustained.

14. Similarly, the order passed in appeal as also the memorial preferred by the petitioner having been rejected without considering the above aspects are also not sustainable.

15. In view of the facts and circumstances of the case, the order of punishment dated 27.3.2004 (Annexure-13), the order rejecting the appeal dated 18.7.2007 (Annexure-15) and the order rejecting the memorial dated 8.12.2010 (Annexure-18) are all set aside and the writ application is allowed with all consequential benefits.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.07.2026.
Transmission Date	

