# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No. 18779 of 2015**

**CNR No. BRHC010361852015**

==========

Anthony Indwar S/o Potras Indwar, R/o Village- Dumardih, Nawa Toli, P.S.- Kuderg, District- Gumla Jharkhand, at present residing at C/o Anjali Ekka I.G.I.M.S., Quarter No.- B/5, Sheikhpura, Patna.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Inspector of General of Police, Old Secretariate, Patna.
3. The Deputy Inspector General of Police, Old Secretariate, Patna.
4. The Inspector of General of Police, B.M.P.-7, Katihar.
5. The Deputy Inspector of General of Police, B.M.P.-7, Katihar.
6. The Deputy Inspector of General of Police, B.M.P.-7, Purnea.
7. The Deputy Superintendent of Police, B.M.P.-7, Katihar.

... ... Respondent/s

==========

**Appearance :**
For the Petitioner/s : Mr. Archana Meenakshee
For the State : Mr. Bikramaditya Singh, GP-4
Mr. Deepanjali Gupta, (AC to GP-4)

==========

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER

5 27-10-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed for quashing the Memo No. 4054/L1 dated 18.09.2012 passed by the Inspector General of Police, Bihar, Patna whereby and whereunder the petitioner has been dismissed from service without having been heard by the authorities, only on the ground of his remedy being barred by limitation in filing of the appeal before Respondent No. 2.

3. This Court, vide order dated 05.10.2026, passed the following order:

WEB COPY

*"Heard learned counsel for the petitioner and Ms. Deepanjali Gupta, learned AC to GP-4 for the State.*

*2. Learned counsel for the petitioner submits that the petitioner was never served with the statutory show-cause notice, owing to which he was deprived of the opportunity to file his reply. It is further submitted that no Presenting Officer was appointed by the disciplinary authority, thereby vitiating the entire departmental proceeding.*

*3. On perusal of the record, this Court finds that the counter-affidavit filed on behalf of the State is completely general, evasive, and vague in nature. It fails to address the specific assertions made in the writ petition.*

*4. In view of the above, the Superintendent of Police, Katihar, is directed to file a comprehensive para-wise counter-affidavit within two weeks from today. The affidavit must categorically answer each of the specific grounds raised by the petitioner, particularly regarding the non-service of the show-cause notice and the non-appointment of a Presenting Officer.*

*5. It is made clear that if the said para-wise counter-affidavit is not filed within the stipulated period of two weeks, the Superintendent of Police, Katihar, shall be required to personally appear*

WEB COPY

*before the Court on the next date of hearing to explain the non-compliance.*

*6. List this case after two weeks.*

*7. Let a copy of this order be communicated to the Superintendent of Police, Katihar, through FAX for immediate and strict compliance forthwith."*

4. Pursuant to the aforesaid order, a counter-affidavit has been filed on behalf of the State, wherein it has been admitted that no Presenting Officer was appointed to conduct the departmental inquiry.

5. Learned counsel for the petitioner has placed reliance upon the judgment of this Court in ***Md. Ali Jinna v. The State of Bihar & Ors.***, reported in ***(2022) 1 BLJ 294***, and submitted that the non-appointment of a Presenting Officer vitiates the departmental proceeding.

6. Having considered the submissions advanced on behalf of the parties and the materials available on record, this Court finds that the non-appointment of a Presenting Officer in the departmental inquiry has vitiated the proceeding.

7. In view of the aforesaid judgment and the admitted position emerging from the counter-affidavit, the departmental proceeding cannot be sustained in law. Accordingly, the writ application is allowed. The entire departmental proceeding, along with the consequential order of dismissal, the appellate

WEB COPY

order and the order rejecting the petitioner's memorial, is hereby quashed and set aside.

8. The matter is remitted to the disciplinary authority for proceeding afresh from the stage of the departmental inquiry. The respondents are directed to conduct the departmental proceeding in accordance with the applicable rules and the principles of natural justice, after appointing a Presenting Officer.

9. The departmental proceeding shall be concluded within a period of six months from the date of receipt or production of a copy of this order. The petitioner shall cooperate with the inquiry. In the event of his failure to cooperate despite due notice and adequate opportunity, the disciplinary authority shall be at liberty to proceed *ex-parte* in accordance with law. No order granting consequential benefits is being passed at this stage, and the question of such benefits shall remain open for consideration in accordance with law.

10. I.A. No. 1 of 2022 stands disposed of accordingly.

**(Sandeep Kumar, J)**

sadique/-

| | | | |
|---|---|---|---|
| **U** | | | |

WEB COPY