

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8393 of 2025

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Sunita Kumari Sinha W/o- Late Pramod Kumar Sinha R/o Pramod Niwas,
Infront of Ashok Club, Munger Fort, P.S.- Kotwali, Town and District-
Munger- 811201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Old Secretariat, Patna- 800015.
2. The Director General of Police, Bihar, Patna- cum- the Appellate Authority, Old Secretariat, Patna- 800015.
3. The Inspector General of Police, Central Range, Patna.
4. The Deputy Inspector General of Police, Central Range, Patna.
5. The Deputy Inspector General of Police, Saran Range, Chapra.
6. The Superintendent of Police, Nalanda.
7. The Superintendent of Police, Munger.
8. The Superintendent of Rail Police, Jamalpur, District- Munger.
9. The Enquiry Officer-cum- the Sub- Divisional Officer, Hilsa, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purosottam Jha, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, G.A-3
		Mr. Indeshwari Pd. Singh, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed the present writ petition
with the following reliefs:-

*i. For issuance of an order,
direction or a writ in the nature of certiorari
quashing Nalanda District Order No.
542/2014 dated 21.03.2014 (Annexure- P/2*



to this writ petition), whereby the Superintendent of Police, Nalanda (Respondent No. 6) has placed the petitioner under suspension and thereby has ordered for initiating a regular Departmental Proceeding against the petitioner.

ii. For issuance of an order, direction or a writ in the nature of certiorari quashing Memo No. 1980 dated 22.03.2014 (Annexure – P/3), whereby the Superintendent of Police, Nalanda (Respondent No. 6) has framed a Memorandum of Charge against the petitioner and thereby had appointed one Md. Shams Afroz, Sub-Divisional Police Officer, Sadar, Bihar Sharif, Nalana, as the Enquiry Officer to hold Departmental Enquiry against the petitioner.

iii. For issuance of an order, direction or a writ in the nature of certiorari quashing the Enquiry Report dated 23.10.2022 (Annexure – P/7), whereby the Enquiry Officer having performed the dual role of Enquiry Officer as well as the Presenting Officer has prepared and submitted the Enquiry Report whereby the charges levelled against the petitioner has been proved .

iv. For issuance of an order, direction or a writ in the nature of certiorari



quashing Central Range Order No. (केन्द्रीय क्षेत्रादेश सं) 167/2023 dated 30.06.2023 (Annexure P/19), whereby the Inspector General of Police, Central Range, Patna (Respondent No. 4) has inflicted the punishment of Compulsory Retirement of the petitioner with immediate effect and thereby it has further been ordered that the petitioner will not be paid anything during the period of suspension, save and except the amount whatever has already been paid and the said period will be adjusted from the half earned leave.

V. Issuance of an order, direction or a writ in the nature of certiorari quashing Munger District Order No. (मुंगेर जिलादेश सं०) 1028 / 2023 dated 11.07.2023 (Annexure - P/20) issued by the Superintendent of Police, Munger, whereby the petitioner has been inflicted with the punishment of compulsory Retirement from 30.06.2023 and thereby it has further been ordered that the petitioner will not be paid anything during the period of suspension, save and except the amount whatever has already been paid and the said period will be adjusted from the half earned leave against the petitioner and by the said order it has further been ordered that the name of the petitioner be deleted from all registers.



vi. To hold and declare that the action of the Respondent No. 2 (Director General of Police, Bihar, Patna cum the Appellate Authority) in not taking final decision in connection with petitioner's service Appeal dated 21.07.2023 (Annexure - P/21) and Supplementary Application dated 07.06.2024 (Annexure -P/22) are illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and on facts both and is fit to be deprecated by this Hon'ble Court in strong words.

vii. For issuance of an order, direction or a writ in the nature of certiorari quashing the entire Departmental Proceeding so conducted and concluded against the petitioner, since the same is in complete disregard to the law laid down by this Hon'ble Court in catena of decisions and is against the provisions as contained in Bihar Govt. Servant (Classification, Control & Appeal) Rules'2005.

AND CONSEQUENT UPON THE
QUASHING OF THE ENTIRE
DEPARTMENTAL PROCEEDING INCL
UDING THE ORDER OF PETITIONER'S
COMPULSORY RETIREMENT.

viii. A writ in the nature of mandamus may kindly be issued by this Hon'ble Court, commanding the



Respondents concerned to grant all due consequential benefits to the petitioner.

ix. Issuance of an order direction or a writ in the nature of Certiorari quashing the orders of minor punishment issued by the Superintendent of Police (Rail), Jamalpur being DO Nos. 443/11; 493 / 11; 563/11, 667/11 all dt. 16.10.2013 and DO No. 276 / 12 dt. 16.12.2013 (Annexure P/24 Series), whereby the petitioner has been inflicted with the punishment of "निंदन" in complete disregard to the settled norms of Departmental Enquiry, copy whereof for the first time has been supplied to the petitioner for the first time vide Annexure - P/23 to this writ petition.

X. For grant of any other relief(s) to which the petitioners may be found entitled to in the facts and circumstances of this case.

3. After some argument, counsel for the petitioner submits that his statutory appeal is pending before the The Director General of Police, Bihar, Patna (Annexure-P-21).

4. Learned counsel for the State submits that, though a counter affidavit has been filed in this case, it is not known to the respondent whether an appeal has been preferred or not.

5. From Annexures P-21 and P-22, it transpires that



the petition and supplementary petition of appeal are annexed here.

6. In this background, as the appellate authority has not taken any decision, the present writ petition stands disposed of, directing the petitioner to send a copy of the memorandum of appeal afresh within 30 days from today before the Director General of Police, Bihar, Patna- cum- the Appellate Authority, Old Secretariat, Patna- 800015. (respondent No. 2), and the respondent No. 2 shall pass an order within 90 days from the date of receiving the copy of the memorandum of appeal.

7. It is made clear that the delay, if any, in filing the appeal is hereby directed to be condoned, and the appellate authority shall provide a hearing on the memorandum of appeal, prior to passing final order in appeal.

(Dr. Anshuman, J.)

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