

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8916 of 2022

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Bishwajeet Kumar Son of Shailendra Prasad Singh, Resident of Village-Bhalar, Dharahra, District-Munger, (Dismissed constable of Nalanda District).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Home Commissioner, Govt. of Bihar, Old Secretariat Building, Patna.
2. The Director General cum Inspector General of Police, Patel Bhawan, Bailey Road, Patna.
3. The Inspector General of Police, Patna Zone, Patna, Bihar.
4. The Superintendent of Police, Nalanda.
5. The Inspector of Police, Sri Prakash Kumar Sharan, the than Bihar Police Station (Campt), Nalanda Bihar Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwary, Advocate
For the Respondent/s : Mr.Manish Kumar (GP4)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 30-01-2026

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

2. The present writ petition has been filed with the
following relief/s :-

*“..... directing the concerned respondents to
forbear from giving any effect to the order dated
3022/Ra.ka. Dated 31.05.2020 vide Nalanda District
Order (D.O.) No.1077 of 2020 in Departmental
Proceeding No. 25 of 2020 which has been affirmed by the
order dated 30.06.2020 vide Memo No. 230 Bi.Ka. by the
Inspector General of Police, Patna, against the order of
awarding punishment in the Appeal filed by the Petitioner,
communicated by the S.P. Nalanda, D.O. No. 1348 of
2020, then the petitioner filed memorial application before
the Director General of Police which has been also
rejected and affirmed by the order passed by the above*



both authority vide D.G.P. Office Memo No. P-3/13-07-06-2020/273 dated 10.08.2021. The above orders have been passed in the most illegal, void and arbitrary manner and the said orders are also contrary to Rule 824 read with Appendix 49 Page 214 of the Bihar Police Manual, 1978.”

3. Learned counsel for the petitioner submits that the impugned order is contained in Annexure-7, namely, the letter dated 31.05.2020 issued vide Memo No. 3022 by the Superintendent of Police, Nalanda. Learned counsel further submits that the said order is essentially one wherein the second show-cause reply has not been considered at all, except for a cryptic one-line observation stating that the reply was “not found satisfactory.” He submits that in judicial or quasi-judicial proceedings, the submissions of both sides are required to be duly considered, and a mere one-line statement that the reply is unsatisfactory amounts to a gross violation of the settled principles of law.

4. Learned counsel further submits that in the order-sheet, particularly in the first and fifteenth lines, interpolations have apparently been made by using whitener and inserting other words, without any initials or authentication. He further submits that the enquiry report itself has not been prepared in accordance with law. It is also submitted that the petitioner had filed a detailed second show-cause reply in defence, which has



not been considered at all. Therefore, he submits that the order passed by the Disciplinary Authority is in complete violation of the settled principles of service jurisprudence. He further submits that the Appellate Authority has also failed to consider these aspects of the matter and dismissed the petitioner's appeal vide order dated 07.07.2020 issued vide Memo No. 3838, as contained in Annexure-10 to the writ petition.

5. Learned counsel for the State, on the other hand, submits that the charge memo was duly issued, a written statement was called for, the petitioner participated in the departmental enquiry, and the Enquiry Officer found the charges proved against the petitioner. He submits that upon acceptance of the enquiry report, the Disciplinary Authority passed the impugned order. He further submits that in the final order, the Disciplinary Authority was not required to assign detailed reasons, as the order was passed on the basis of the findings recorded in the enquiry report.

6. Learned counsel for the State fairly submits that certain changes have been made in 1st and 15th line of the final order and that such changes were not initialed. However, he submits that these changes were carried out in accordance with the enquiry report and are merely corrections as per the record.



He submits that the omission to put initials on such corrections cannot be treated as illegal. He further fairly submits that the second show-cause reply was dealt with by a one-line observation stating that it was not found satisfactory. He further submits that the matter was duly considered by the Appellate Authority, which dismissed the appeal vide order dated 07.07.2020 issued vide Memo No. 3838 (Annexure-10 to the writ petition). In view of the aforesaid submissions, he contends that the impugned orders are sustainable in the eyes of law and that the writ petition deserves to be dismissed.

7. In the facts and circumstances of the case, upon perusal of the record, this Court finds that under Rule 18 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, the Disciplinary Authority is required to take a decision after due consideration of the representation or submissions made by the delinquent employee in response to the second show-cause notice. However, in the present case, the second show-cause reply has not been considered at all, and only one-line statement has been recorded to the effect that the reply was “not found satisfactory.” Such an observation cannot be construed as due consideration of the petitioner’s representation/ reply of 2nd show cause notice.



8. In view of the aforesaid reasons, this Court hereby sets aside the disciplinary order dated 31.05.2020 issued by the Superintendent of Police, Nalanda, vide Nalanda Jiladesh No. 1077/2020, which was communicated through Memo No. 3022 (Annexure-8 to the writ petition), as well as the appellate order dated 07.07.2020 issued vide Memo No. 3838 (Annexure-10 to the writ petition). The matter is remanded back to the Disciplinary Authority, who shall pass a fresh order in accordance with law, considering points mentioned in reply to 2nd show-cause notice, within a period of 90 days from the date of production of a copy of this order.

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

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	30/01/2026
Transmission Date	NA

