

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8770 of 2024

Md. Umran Son of Md. Majid Hussain Resident of Ward No.-9, Village-Sirsi,
P.S.- Khudabandpur, District-Begusarai at present posted at the District
Police, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Sardar Patel Bhawan, Bailey Road, Patna.
4. the Deputy Inspector of Police, Munger Range, Munger.
5. The Superintendent of Police, Munger.
6. The Additional Superintendent of Police (HQ), Munger District Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Adv.
For the Respondent/s : Mr.Standing Counsel 9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-02-2026 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the

present writ petition has been filed with the following reliefs:-

*I. R4 For issuance of a writ of mandamus to the
concerned respondents as to transfer the Departmental
proceedings No. 32/21 from the Munger Range to the other
range by removing the present disciplinary authority i.e. the
Enquiry officer and the presenting officer from the present
proceedings on the grounds that the Enquiry Officer has
been taking the proceedings i.e. examinations of the
witnesses in most arbitrary and illegal manners without*



recording the vital objections raised by the petitioner. The conduct of the Enquiry Officer is in complete derogation of the procedure established by law (Police Manual) and in violation of the principles of natural Justice.

II. Further be pleased to direct the concerned respondent No. 3 dispose of the to application dated 23.02.2024/28.2.2024 of petitioner forthwith so that the petitioner may approach the appropriate forum of law as the department proceedings was initiated on 22.10.2021 meaning thereby it took 3 years (approx.) making the petitioner terrorised harassed and victim of mental agony.

3. Counsel for the State submits that the pleading of the petitioner is in complete contradiction with its representation which is Annexure-(P/2) whose paragraph No.VI (page 26) states as follows:-

“(vi) जाँच पदाधिकारी द्वारा Indian Evidence Act-1872 section-101 and 102 का उल्लंघन किया गया है क्योंकि Burden of proof का भार आरोप लगाने वाले के उपर होता है न कि अपचारी पर। अभियोजन पक्ष मेरे विरुद्ध किसी भी प्रकार का साक्ष्य संचालन के दौरान नहीं दे पाये हैं। यह दूरभाष्य है कि संचालन पदाधिकारी आरोप लगाने वाले का पक्ष ले लिये हैं और मुझे लगाये गये आरोप के लिये दोषी कर दिये।

साक्ष्यों की अनदेखी करते हुये दूरभावना से प्रेरित होकर श्री संजय कुमार, भा०पु० से०, पुलिस उप-महानिरीक्षक महोदय, मुंगेर क्षेत्र, मुंगेर द्वारा अपने कार्यालय ज्ञापांक-1412/गो०, दि०-13.12.2022 तदनुसार मुंगेर जिलादेश सं०-2117/2022, तदनुसार ज्ञापांक-4788/र० का०, दि०-18.12.2022 को सेवा से बर्खास्त किया गया था।

मेरे अपील अभ्यावेदन पर भवदीय के कार्यालय का आदेश पत्र सं०-02/2023/85/अपील कोषांग, दि०-15.5.2023 के द्वारा मुंगेर जिला विभागीय कार्यवाही सं०-32/21 में पुलिस उप-महानिरीक्षक महोदय, मुंगेर क्षेत्र, मुंगेर द्वारा ज्ञापांक-1412/गो०,



दि0-13.12.23 के माध्यम से पारित आदेश, जाँच पदाधिकारी के मंतव्य, आरोप- प्रारूप को निरस्त कर दिया गया एवं निलंबित रखने के संबंध में निर्णय लेने हेतु पुलिस उप-महानिरीक्षक महोदय, मुंगेर क्षेत्र, मुंगेर को दिया गया।

उक्त आदेश के आलोक में मुंगेर क्षेत्रादेश सं0-152/2023 तदनुसार मुंगेर जिलादेश सं0-940/2023 तदनुसार ज्ञापांक-2500/र 0 का0, दि0-14.06.2023 मुझे सेवा में लेने का आदेश दिया गया।

उक्त आदेश के आलोक में मधेपुरा जिलादेश सं0-664/23, तदनुसार ज्ञापांक-1027/20 का0, दि0-23.06.23 के माध्यम से सेवा में लिया गया एवं योगदान की तिथि-22.6.23 से जीवन यापन भत्ता मेरे अनुरोध आवेदन पर दिया गया। "

4. It transpires to this Court that in the departmental proceeding, the petitioner was terminated from his service and in the appeal, decision was taken to restore his service. If it is so in the representation, then there is no question of transfer the departmental proceeding as the role of the Enquiry Officer and Presenting Officer has already been ended. As such, the present writ petition is frivolous one, hence, dismissed.

5. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J)

Prakashmani/-

U			
---	--	--	--

