

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17622 of 2021

Shiv Balak Baitha @ Shivbalak Baitha @ Hav/ 92 Shivbalak Baitha @
Havaladar 92 Shivbalak Baitha

... .. Petitioner/s

Versus

The State of Bihar through the Additional Chief Secretary,

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17646 of 2021

Shashi Bhushan Kumar@Shashibhushan Kumar@Hav/59 Shashibhushan
Kumar@Havaladar/59 Shashibhushan Kumar

... .. Petitioner/s

Versus

The State of Bihar through the Additional Chief Secretary,

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17622 of 2021)

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate
Mr. Rohit Kumar, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)
Ms. Shalini, AC to GP- 5

(In Civil Writ Jurisdiction Case No. 17646 of 2021)

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate
Mr. Upendra Mishra, Advocate
Mr. Sanjeeb Kr. Sanju, Advocate
Mr. Bhaskar Sandilya, Advocate
Mr. Ravi Kumar, Advocate
For the Respondent/s : Mr.Md. N.H. Khan (Sc1)
Mr. Fazle Karim, AC to SC- 1

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 04-05-2026

Heard learned counsel for the parties.

2. Both the petitioners, along with two others, namely

Ramjee Choudhary @ Ram Jee Choudhary and Chandra Kishore

Yadav were constables in the Bihar Police who had been accused of

stealing three cartons of foreign liquors from the police barrack of

Harnaut Police Station for which a case was also registered at,

Harnaut P.S. Case No. 33 of 2020 under Sections 379/34 of the



Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Departmental proceedings were also drawn up against all the four accused persons, and enquiry report was submitted by the Enquiry officer on 05.05.2020. Pursuant to the said enquiry report, the disciplinary authority issued the impugned termination order dated 13.05.2020.

4. The appeal preferred by the petitioners was rejected by the appellate authority vide order dated 03.06.2020, so also the Memorials filed by the petitioners have also been rejected by orders dated 29.07.2021 and 30.09.2021, respectively.

5. Learned counsel for the petitioners have placed before this Court a decision rendered in CWJC No. 17723 of 2021 filed by Ramjee Choudhary @ Ram Jee Choudhary and CWJC No. 17742 of 2021 filed by Chandra Kishore Yadav, arising out of the same set of facts. Both the writ petitions have been allowed by setting aside the orders under challenge i.e., termination order dated 13.05.2020, appellate order dated 03.06.2020 as well as the orders passed in the Memorials.

6. Both the persons, namely Ramjee Choudhary @ Ram Jee Choudhary and Chandra Kishore Yadav are the two other persons who have been accused of stealing the three cartons of liquor and alcohol from the police barrack of Harnaut Police Station on



30.01.2020 along with the petitioners for which Harnaut P.S. Case No. 33 of 2020 was registered and also the departmental proceedings were initiated resulting in the submission of enquiry report dated 05.05.2020 acting upon which the impugned termination order was passed.

7. Learned counsel for the petitioners submit that since the impugned termination order of petitioners and that of those two petitioners in the writ petitions referred to hereinabove have emanated from the same set of facts and the Coordinate Bench of this Court in the two writ petitions mentioned above after consideration of the entire matter have set aside the termination order, the same relief may be given to the petitioners also.

8. Learned counsel for the respondents have also agreed that the petitioners of the present two writ petitions are similarly situated with the two petitioners, namely, Ramjee Choudhary @ Ram Jee Choudhary and Chandra Kishore Yadav in CWJC No. 17723 of 2021 and CWJC No. 17742 of 2021, respectively, which have already been decided, and the impugned termination orders of the petitioners have been set aside.

9. In view of the above submissions made by learned counsel for the petitioners as well as the learned counsel for the State, that the petitioners of the present two writ petitions are similarly situated with the petitioners of aforementioned two writ



petitions, the impugned termination orders of the petitioners dated 13.05.2020 are also liable to be set aside.

10. Accordingly, these two writ petitions shall also stand allowed by setting aside the termination order dated 13.05.2020; orders passed by the Appellate Authority dated 03.06.2020 and the orders passed by the DGP in Memorials filed by the petitioners dated 29.07.2021 and 30.09.2021, respectively.

11. As in the aforementioned two writ petitions, consequent upon setting aside of the impugned termination orders the respondent authorities have been directed to reinstate the petitioners with all consequential benefits, the petitioners in these two writ petitions shall also be reinstated in service with all consequential benefits.

12. The writ petitions stand disposed of with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.05.2026
Transmission Date	NA

