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**(2021) 01 PAT CK 0126**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 7910 Of 2020

Gulam Ahmad

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision:** Jan. 6, 2021

**Acts Referred:**

- Bihar Police Manual, 1978 - Rule 853A(a)

**Hon'ble Judges:** Chakradhari Sharan Singh, J

**Bench:** Single Bench

**Advocate:** Y.V. Giri, Sanjay Kumar Giri, P.K. Verma, Saroj Kumar Sharma

**Final Decision:** Allowed

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### **Judgement**

1. The petitioner has challenged an order dated 12.06.2020 passed by the Director General-cum-Inspector General of Police, Bihar issued vide Memo

No. 1067 dated 15.06.2020 whereby exercising revisional powers under Rule 853 A (a) of the Bihar Police Manual, he has imposed punishment of

dismissal from service on the petitioner, who was at the relevant point of time, was posted in Gopalganj Town Police Station as an Assistant Sub

Inspector.

2. An order passed on the same date, dated 15.06.2020, in respect of one Ananjay Singh @ Ananjay Kumar Singh has been set aside by an order

passed today in C.W.J.C. No. 7906 of 2020. This matter also relates to the occurrence, which had taken place on 16.08.2016 in Khajuria village under

Gopalganj (Town Police station) in which 16 persons had died because of consumption of spurious liquor. Identical allegations were made against this

petitioner in the charge memo dated 07.02.2017 with the same set of evidence, as was the case in the matter of Ananjay Kumar Singh (supra). In

case of this petitioner also, the Enquiring Authority recorded in the enquiry report, the finding that the allegation against the petitioner stood proved.

According to the Enquiring Authority, the defence of the petitioner that while posted as an Assistant Sub Inspector in the police station, was unaware

of the ongoing trade of illicit liquor in a nearby village was not "digestible" to him. In the petitioner's case also, the Superintendent of Police

had imposed punishment of two black marks having the effect of stoppage of one increment with cumulative effect. In identical situation, the Deputy

Inspector General of Police, Saran had referred the matter to the Police Headquarters with his recommendation that the punishment imposed on him

was not befitting the gravity of charge levelled against him. It can be easily discerned that the Director General-cum-Inspector General of Police has

passed stereotype order in the present case also without discussing the petitioner's reply to the show cause notice, which was issued to him before

passing of the impugned order.

3. In identical circumstance by an order dated 06.01.2021 passed in C.W.J.C. No. 7906 of 2020 (Ananjay Kumar Singh) (supra) this Court has

quashed an order passed by the Director General-cum-Inspector General of Police. Accordingly, the order under challenge in the present writ

application issued vide Memo No. 1067 dated 15.06.2020 is also quashed. The petitioner is directed to be reinstated forthwith. All consequences of

quashing of the impugned order shall follow and accordingly the petitioner is directed to be reinstated forthwith. It is held that he shall be entitled to the

full salary and other emoluments for the period during which he remained out of service because of the illegal order passed by the Director General-

cum-Inspector General of Police.

4. For the same reasons discussed in the order dated 06.01.2021 passed in Ananjay Kumar Singh (supra), this application is allowed. Reasons

assigned in the said order for interfering with the impugned order shall form part of the present order.

5. All orders consequential to the impugned order dated 15.06.2020 stand quashed.

6. This application is allowed.

7. There shall be no orders as to costs.