
(2010) 09 PAT CK 0062
In the Patna High Court
Case No : CWJC No. 12637 of 2005

Maheshwar Pd. Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 03-09-2010

Acts Referred:

Citation : (2011) 1 PLJR 936

Hon'ble Judges : Ajay Kr. Tripathi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajay Kr. Tripathi, J.—Heard learned Counsel for the parties.

2. Petitioner alongwith others had approached the High Court earlier in a set of writ applications which would be evident from Annexure-11 to the writ application. All the writs came to be disposed of by order dated 9.11.2004. After considering the submission of the parties, the matter was remitted back to the Director General of Police to consider every aspect of the question raised in the memorial including the aspect with regard to the punishment meted out to the Petitioner being disproportionate or not and pass appropriate order in the facts and circumstances of the case.

3. Thereafter the order dated 16th July, 2005 contained in Annexure-12 has come to be passed by the Director General of Police which is under challenge in the present writ application.

4. Petitioner has also brought on record at least two orders passed by the Director General of Police subsequently which are order Nos. 4229 and 4230 both dated 16.8.2007. In those cases the Director General of Police after considering the matter has passed another set of order giving certain relief to those Petitioners whereas in the case of the present Petitioner the order of dismissal has been affirmed.

5. From a perusal of the impugned order Annexure-12 it is evident that the observation of the High Court made earlier with regard to the punishment being disproportionate was not even remotely considered by the Director General of Police.

6. From another set of order which has come to be brought on record by the Petitioner as contained in Annexure-15, it is evident that two yardsticks have been applied in awarding punishment upon the Petitioner and other similarly situated persons who were charged for the offence committed in the same transaction holding the same post.

7. In totality of the facts and circumstances of the case Annexure-12 is quashed. Matter is remanded back to the Director General of Police with a direction to pass an appropriate order in the light of the two orders which have been passed in terms of Annexure-15 and the fact that the Director General of Police ignored the earlier observation of the High Court given in terms of the order contained in Annexure-11.

8. This writ application is allowed with a direction that necessary order be passed within a reasonable time frame afresh. Annexure-12 is hereby quashed.