

(2003) 07 PAT CK 0080
In the Patna High Court
Case No : L.P.A. No. 169 of 2003

Union of India (UOI) and Others

APPELLANT

Vs

Pramod Kumar Yadav

RESPONDENT

Date of Decision : 11-07-2003

Acts Referred:

Citation : (2003) 2 BLJR 1566 : (2003) 3 PLJR 690

Hon'ble Judges : R.S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : P.K. Shahi and Vipin Kumar, for the Appellant; Teg Bahadur Singh, for the Respondent

Judgement

1. This appeal is on the order dated 24 September, 2002 on C.W.J.C.No. 10674 of 2002: Pramod Kumar Yadav v. Union of India and Ors.
2. The issue brought on the writ petition was that the petitioner's discharge from the Central Reserved Police Force on the ground that he committed plural marriage, his punishment is too harsh, it should be modulated to a lesser punishment and at best it would be treated as misconduct. The learned Judge has desired that there ought to be an inquiry afresh,
3. There is no issue on record that the petitioner having been married once to one Sunita Devi and out of this wedlock there is a child, a girl, is adventurous enough to go into other relationship with one Pramila Devi. From the second relationship between the petitioner and Pramila Devi there are three children. In so far as this aspect is concerned, the petitioner resisted the proposition that the child is not from his relationship. Unfortunately, his brother has given evidence to this effect. In so far as this aspect is concerned, the Court sees that law lends itself to legitimacy and not illegitimacy of children.
4. the balance which remains is that there is one girl from first marriage of the petitioner with Sunita Devi and there are three children from second relationship of the petitioner with Pramila Devi. The petitioner contends that the first

marriage was forced upon him. This is an unusual argument that the marriage was forced upon him but there had been cohabitation and between the petitioner and Sunita Devi there is a child, a girl. It is an unadventurous conduct on the part of the petitioner that between contracted marriage with a child he is coming with a case that the marriage was forced upon him. What legitimacy was to leave on this child?

5. The petitioner did not seize in his amorous adventure and went into second relationship with Pramila Devi. Out of this relationship three children were born.

6. The petitioner resisted the relationship of first marriage so as to carve out a case that there has been only one marriage.

7. Try as the petitioner may with the best of his ability. The fact of the matter is that he has contracted two marriages. The military calls this plural marriage and not adultery. The entire law on this aspect in so far as military and paramilitary forces are concerned goes on the proposition that gentlemen or soldiers do not commit adultery. Thus, the law as framed in a very settled manner, calls certain adultery as plural marriage.

8. The petitioner has indulged in misconduct and it is not place for person who indulged himself in this sort of adventurous affairs to be in military or other paramilitary forces. The order of the learned Judge is in error and is set aside.

The appeal of the Union of India succeeds.