

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11723 of 2016

Krishna Murari Gupta Son of Late Ram Prasad Sah Resident of village -
Chainpur Chhoti Bazar, Police Station Sisawan Chainpur , District - Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District General of Police, Bihar, Patna
3. The Assistant of Inspector General of Police Welfare , Bihar, Patna
4. The Inspector General of Police Headquarter , Bihar, Patna
5. The Deputy Inspector General of Police, Champran Range, Bettiah
6. The Inspector General of Police, Special Branch, Bihar, Patna
7. The Inspector General of Police, Tirhut Range, Muzaffarpur
8. The Superintendent of Police A , Special Branch, Bihar, Patna
9. The Superintendent of Police, West Champaran, Bettiah

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate
For the Respondent/s : Mr. Kaushal Kr. Jha, AAG 14

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 31-03-2022

Heard learned counsel for the parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That this is an application for issuance of a writ in the nature of certiorari to quash the order as contained in Memo No. 2409 dated 30.09.2014 issued under the signature of Inspector General of Police (Headquarter), Bihar, Patna, on behalf of



Director General of Police, Bihar, Patna, and subsequent order as contained in memo no. 801 dated 13.02.2014 issued by the Superintendent of Police (A) Special Branch, Bihar Patna, whereby and whereunder the promotion of the petitioner from the rank of Sub-Inspector of Police to Police Inspector granted vide Memo No. 4399/P -1 dated 22.12.2010 has been cancelled on the ground that after said promotion, the fact has come that criminal case was pending, against him and further for issuance of a writ in the nature of mandamus commanding and directing the respondent authorities to reinstate the petitioner on his promotional post, i.e., on the post of Police Inspector from the date of cancellation of said promotion with all consequential benefits and further for issuance of any other appropriate writ/writs, order/orders it may deem fit and proper.”

3. On 08.12.2021, following order was passed:

“Fourth respondent, the Inspector General of Police (Headquarters), Bihar, Patna is hereby directed to file an affidavit as to whether petitioner has been provided an opportunity of hearing before cancellation of his promotion to the post of Inspector or not?”

4. Learned counsel for the respondent on instruction submitted that before cancellation of petitioner’s promotion to the post of Police Inspector, petitioner was not provided an



opportunity of hearing like issuance of show cause notice in assigning the reasons for cancellation of promotion to the post of Inspector. In the light of the fact that the petitioner has not been provided an opportunity of hearing before cancellation of promotion. The impugned cancellation of promotion orders dated 30.09.2014 and 13.02.2014 (Annexure - 3 series) stand set aside. The petitioner is entitled to all monetary benefits during the intervening period from date of cancellation of promotion till final order to be passed in the subject matter.

5. The concerned respondent is permitted to take appropriate action and complete the proceedings within a period of three months from the date of receipt of this order.

6. Accordingly, writ petition stands disposed off.

7. At this stage, learned counsel for the State submitted that at the time of issuing promotion order to the petitioner to the post of Inspector there were certain conditions imposed. The same has been taken note of while passing the impugned order of cancellation of promotion. It is to be noted that even if adverse reports are available with the official respondent. At the same time one cannot ignore the fact that the petitioner is entitled to principle of natural justice, in other words, behind the back of the petitioner the authorities cannot collect material and pass adverse orders.



Accordingly, the aforesaid contention of the State is hereby rejected.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	04.04.2022
Transmission Date	

