

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1796 of 2022

Kalawati Kumari W/o Arun Kumar, Resident of Village - Jehangirpur,
Karehari, Arwal, P.S.- Parsabigha, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary Govt. of Bihar, Patna.
2. The Director General of Police Bihar, Patna.
3. The D.I.G of Police Tirhut Range, Muzaffarpur.
4. The Superintendent of Police, Sheohar.
5. Shashi Shankar Kumar, then Dy. S.P. cum Conducting Officer, Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad (SC-8)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 20-01-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing of the order dated 11-12-2020 passed by Superintendent of Police, Sheohar, whereby and where under the petitioner has been inflicted with the punishment of withholding of increment of six months which is equivalent to one black mark without cumulative effects. Further, for quashing of the order dated 14-06-2021 passed by Deputy Inspector General of Police, Tirhut Range, Muzaffarpur, whereby and where under the appeal of the petitioner has also been rejected. Further prayer has also been made for grant of all consequential benefits to the petitioner.



3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Police Sub-Inspector on 01.07.2009 and she was posted at Sheohar as S.H.O of Mahila Police Station, Sheohar on 27.01.2019. He submits that on 09.02.2020, a case was registered at Mahila Police Station, Sheohar bearing Mahila P.S. Case No. 03 of 2020, under sections 376/420/506 of the IPC and section 67 of the I.T. Act, in which the petitioner was the S.H.O and according to the procedure, it was to be investigated by an officer not below the rank of Inspector. But, there was no female police officer at the rank of Inspector in the district so, it was handed over to the petitioner for investigation and she took the task of Investigating Officer of the case. Counsel submits that the petitioner received direction from the S.P, Sheohar to conclude the investigation in due time period of 60 days as prescribed in the procedure for the offence under section 376 of the IPC. Thereafter, an explanation was sought for from the petitioner through S.P., Sheohar, as to why the investigation was not concluded within a period of 60 days as per the procedure. Counsel further submits that the petitioner filed her reply stating all the points as to why there was delay in concluding the investigation, but the S.P., Sheohar found it to be unsatisfactory and implicated the petitioner under departmental enquiry after suspension. The charges were framed



against the petitioner. Firstly, alleging that why the investigation was not concluded within 60 days as per the procedure. The second charge is that the delinquent was directed to arrest the accused and submit the investigation report as the offence was found to be true, but the delinquent failed to do so. And with other charges, an enquiry was conducted and finding of the Enquiry Officer was against the present petitioner. Subsequently, the punishment order has been imposed upon the petitioner dated 11-12-2020. Though, it is a minor punishment which was challenged by the petitioner before the Appellate Authority, but the Appellate Authority has also approved the same. Counsel submits that Annexure-3 is the reply of the petitioner which has not been taken into consideration and therefore, the entire departmental proceeding is bad in law.

4. Learned counsel for the State on the other hand submits that the punishment was valid for six months and imposed upon the petitioner following the due process of law and completely in compliance of principles of natural justice. Counsel submits that according to Rule 19 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005'), the minor punishment may be imposed only upon demanding show cause. But, here in the present case, being the precautionary



measure, a full fledged departmental proceeding has been conducted. Counsel therefore submits that there is no need of any interference by this Court in this matter.

5. Upon perusal of the record, it transpires that the order of punishment is dated 11.12.2020 by which a minor punishment required to end within six months, has been imposed. The appellate order has also been passed on 14.06.2021 upholding the order passed by the Disciplinary Authority dated 11.12.2020 and thereafter, the present writ petition has been filed in the month of February, 2022 i.e. after lapse of about six months from the date of appellate order.

6. It transpires to this Court that the period of punishment has already been lapsed and after the lapse of period, the present case has been filed. Therefore, this Court is not inclined to interfere in this matter as the punishment as already been acted upon. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/01/2026
Transmission Date	NA

