IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1707 of 2017
In
Civil Writ Jurisdiction Case No.8078 of 2007

==========

Binod Kumar Singh, Son of Sri Madan Mohan Singh resident of village - Gokhulpur, P.O. Bazidpur, Saidat, P.S. Bidupur, District - Vaishali at Hazipur (Bihar) dismissed Assistant Sub-Inspector, Central Reserve Police Force Imphal, Manipur.

... ... Appellant/s

Versus

1. The Union Of India through the Secretary Ministry of Home Affairs, Govt. of India, North Block Secretariat Building New Delhi.
2. The Director General of Police, Central Reserve Police Force S.H.O. Complex, Lodhi Road, Block No.
3. Inspector General of Police, Central Reserve Police Force Lodhi Road, New Delhi - 110003.
4. The Inspector General of Police, Central Reserve Police Force, Manipur, Nagaland Sector Group Centre, Central Reserve Police Force, Imphal (Manipur)
5. The Deputy Inspector General of Police, Central Reserve Police Force Imphal (Manipur) 795113.
6. Additional Deputy Inspector General of Police, Group Centre, Central Reserve Police Force Imphal (Manipur)
7. The Deputy Commandant Group Centre Central Reserve Police, Imphal (Manipur) 795113.

... ... Respondent/s

==========

Appearance :
For the Appellant/s : Mr.Arun Kumar, Advocate
Mr. Nirmal Kumar Sinha No. 3, Advocate
For the Respondent/s : Mr.Manoj Kumar Singh, C.G.C.

==========

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 02-12-2019

Heard learned counsel appearing for appellant as well as learned counsel appearing for Union of India and, in our view, this Letters Patent Appeal can be decided on admission stage itself.

2. This Letters Patent Appeal has been filed against

Judgment dated 05.05.2014 passed by learned Single Judge in C.W.J.C. No. 8078 of 2007 by which and whereunder, he dismissed the aforesaid C.W.J.C. No. 8078 of 2007 filed on behalf of appellant.

3. The appellant was working as Assistant Sub-Inspector in Central Reserve Police Force (C.R.P.F) at Imphal (Manipur) and had solemnized his second marriage with one, Sunita Upadhyay, who was working as Constable in C.R.P.F during subsistence of first marriage of the appellant. Accordingly, a departmental proceeding was initiated against the appellant on the complaint, made by his first wife namely, Ranju Singh. In course of departmental proceeding, the appellant produced forged documents. Moreover, after completion of departmental proceeding, the concerned conducting officer found all the charges proved and the appellant guilty and, thereafter, the appellant was dismissed from service by the order of competent authority. The appellant challenged his dismissal order in appeal, but his appeal too dismissed.

4. The appellant being aggrieved by the order of his dismissal preferred revision against the dismissal order as well as against the Appellate's forum order, but his revision also stood dismissed and, thereafter, appellant preferred C.W.J.C. No. 8078 of 2007 which too dismissed by learned Single Judge vide impugned order dated 05.05.2014.

5. Learned counsel appearing for appellant submits that no doubt, the departmental proceeding was initiated on the complaint made by first wife of the appellant, but in course of proceeding, the first wife of appellant filed affidavit mentioning therein that the appellant had solemnized his marriage with Sunita Upadhyay with her permission and consent, as the appellant had no issue. He further submits that neither the concerned authorities nor the learned Single Judge took into consideration the above-stated fact, as a result whereof, the Disciplinary Authority as well as the learned Single Judge came to wrong conclusion.

6. On the other hand, learned counsel appearing for Union of India refuted the above-stated submissions, submitting that the Disciplinary Authority considered all the aspect of the matter and, moreover, in course of departmental proceeding, the

appellant filed forged documents for which a separate charge was framed against him.

7. Having heard the contentions of the parties, we went through the impugned judgment, we find that learned Single Judge has discussed all the pros and cons of the matter and passed the impugned judgment. So far as contentions advanced on behalf of appellant is concerned, even if, it is presumed that the first wife of appellant had given her consent for second marriage then also, the aforesaid consent of first wife of the appellant does not give right to appellant to solemnize second marriage during lifetime of first wife. Moreover, the aforesaid factual aspect cannot be looked into this Letters Patent Appeal. Learned counsel for the appellant could not succeed to point out any violation of natural justice or any violation of rules. Therefore, in our view, this Letters Patent Appeal does not have any merit and liable to be dismissed on admission stage itself.

8. Accordingly, this appeal stands dismissed.

vinita/-

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)