

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 1883 of 2023

Irfan-Ul-Rahim Khan, S/o Late A. R. Khan, Aged About 59 Years Presently Serving As In-Charge Superintendent Of Police (S.P.), Police Training School (P.T.S.) Mana, Raipur And Additional Superintendent Of Police District- Bilaspur and currently residing at Police Training School (P.T.S.) Mana, Raipur, District – Raipur (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur, District- Raipur (C.G.)
2. Director General of Police Chhattisgarh Police Head Quarter, Raipur, District – Raipur (C.G.)
3. Under Secretary, Department of Home (Police) Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur, District – Raipur (C.G.)
4. Deputy Inspector General of Police Chhattisgarh (AAV) Police Head Quarter, Raipur, District – Raipur (C.G.)
5. Assistant Inspector General of Police Chhattisgarh (AAV) Credibility Cell, Police Head Quarter, Raipur, District – Raipur (C.G.)

---- **Respondents**

15.03.2023	Mr. Siddharth Dubey, counsel for the petitioner. Mr. Suyash Dhar Badgaiya, Panel Lawyer for the State. Heard on application for exemption from filing legible/typed copy of the annxure(s). On due consideration, the same is allowed. Also heard on application for grant of interim relief and stay. Learned counsel for the petitioner would submit that the petitioner has challenged issuance of charge-sheet on the count that without permission of Government, he has solemnized second marriage. Learned counsel for the petitioner would submit that the petitioner has submitted application on 26.06.2008 which is pending with the

Government as reflected from letter dated 24.09.2019. The said letter has not been decided even after lapse of 15 years and thereafter the charge-sheet has been issued to the petitioner for violation of Rule 22(1) of the Civil Services Conduct Rules, 1965.

On the other hand, learned State counsel would submit that the marriage was solemnized by the petitioner before obtaining permission from higher authority, therefore, the charge-sheet has rightly been issued to the petitioner.

Considering the fact that the petitioner being Mohammedan is allowed to perform second marriage, therefore, considering this aspect of the matter, the application for grant of interim relief & stay is allowed and further proceedings in pursuance of charge-sheet shall remain stayed till the next date of hearing.

Learned State counsel is directed to file reply.

List this case on **2nd May, 2023**.

**Sd/-
(Narendra Kumar Vyas)
Judge**