

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(S) No. 2131 of 2019**

.....
 Chandan Sanyal, aged about 40 years, Son of Late S.P. Sanyal, Resident of Flat No. B4 F7/F, Mooncity, Rajeev Path, Dimna Road, Mango, P.O. Mango, P.S. Mango, Dist.-East Singhbhum. **Petitioner (s)**

Versus

1. The State of Jharkhand.
2. The Secretary, Department of Home, Jharkhand Ranchi, having office at P.O. Dhurwa, P.S. Jaggarnathpur, District Ranchi;
3. The Director General and Inspector General of Police, Jharkhand Ranchi, P.O. Dhurwa, P.S. Jaggarnathpur, District Ranchi;
4. The Deputy Inspector General of Police, Singhbhum (Kolhan) Area, Chaibasa, P.O. & P.S. Chaibasa, District Chaibasa;
5. The Senior Superintendent of Police, East Singhbhum, Jamshedpur, P.O. & P.S. Jamshedpur, District East Singhbhum;
6. The Inspector of Police, Sidgora Circle, Jamshedpur, P.O. & P.S. Sidgora, District East Singhbhum (Jamshedpur);

..... **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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 For the Petitioner(s) : Mr. Amit Kr. Das, Adv

Mr. Lukesh Kumar, Adv

For the Respondents : Mr. Manish Mishra, G.P.-V

Mr. Harsh Preet Singh, A.C. to G.P.-V

C.A.V. ON: 20/04/2026

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PRONOUNCED ON:06/05/2026

1. Heard learned counsel for the parties.
2. The petitioner has preferred the instant writ petition for the following reliefs:-

"For issuance of an appropriate writ(s)/ order(s)/ direction(s) particularly a writ in the nature of certiorari for quashing the order vide order no. 699/2011 dated 04.03.2011 (Annexure 5) passed by Senior Superintendent of Police, East Singhbhum, Jamshedpur, whereby and whereunder the petitioner has been dismissed from service and direction has been issued to take back all the government belongings from the petitioner;

AND / OR

For issuance of an appropriate writ(s)/ order(s)/ direction(s) particularly a writ in the nature of certiorari for quashing the Appellate order vide memo no. 264 dated 21.02.2013 (Annexure 7) passed by the Deputy Inspector General of Police, Singhbhum, Chaibasa, whereby and whereunder the respondent has been pleased to reject the appeal of the petitioner preferred against the order of punishment dated 04.03.2011;

AND / OR

For issuance of an appropriate writ(s)/ order(s)/ direction(s) particularly a writ in the nature of certiorari for quashing the review order vide memo no. 455 dated 19.11.2015 (Annexure 8 passed by respondent no. 2, by which the respondent no. 2 has been pleased to reject the review petition of the petitioner preferred against the order of penalty and appellate order;

AND / OR

For issuance of an appropriate writ(s)/ order(s)/ direction(s) particularly a writ in the nature of mandamus commanding upon the respondents not to give effect to the impugned orders;

AND / OR

For issuance of an appropriate writ(s)/ order(s)/ direction(s) particularly a writ for staying the execution and implementation of the order dated 04.03.2011, 21.02.2013 and 19.01.2015 and petitioner be reinstated to his post with all consequential relief/ benefit;

AND / OR

For issuance of an a direction upon the respondent no. 2 to look into the matter which was agitated by the petitioner vide its letter dated 19.06.2017 whereby the petitioner has mentioned that he has been acquitted by the competent court in the criminal case pending against him which was the only basis for imputation of the present departmental proceeding and requested therein to take the petitioner back to service.

Brief Facts

3. The petitioner was appointed on compassionate grounds as “Bal Aarakshi” on 04.08.1998 and he was allotted Constable No.749. While in service, the writ petitioner was implicated in a criminal case being Sakchi P.S. Case No. 107 of 2010, corresponding to G.R. No. 1041 of 2010 for offences under Sections 387 and 120-B of the IPC, wherein it has been alleged that the petitioner had, at the instance of one Sudhir

Singh, gone to collect extortion amount from European Academic Institute.

4. The petitioner furnished an explanation that as a matter of fact, he had gone to the said Institute for his brother's admission and he had no information regarding any extortion being demanded by the owner of the Institute namely Sadique Khan; nor he had any concern with the said offence.

5. However, a charge-sheet was issued to the petitioner vide Memo No.2079 on 03.08.2010 (Annexure 1), wherein it has been alleged that some extortion money was demanded from one Md. Sadique Khan, son of Subhan Ali, who was the proprietor of European Institute, Sakchi, for which a criminal case was instituted being Sakchi P.S. Case No. 107 of 2010 wherein police had arrested the present writ petitioner alleging that he had gone to receive the extortion amount and the petitioner was sent to jail, subsequently has also been charge-sheeted.

6. The petitioner submitted a detailed reply explaining his innocence and also stating that he was in fact made a victim of circumstances and he had gone to the said Institute for admission of his brother and he had no information or knowledge regarding any demand of extortion from the owner of the Institute. The Department, however, appointed an

Inquiry Officer who conducted a detailed enquiry and submitted an enquiry report (Annexure 3). In the enquiry, the victim of the case namely Md. Sadique was examined as a witness and in his cross-examination, he has admitted the following facts which is duly mentioned in para-4 of the enquiry report:-

- (i) The writ petitioner never demanded any money through phone prior to the said occurrence.
- (ii) The writ petitioner did not say anything except that he had been sent by one Mr. Sudhir.
- (iii) On being asked that whether after seeing the petitioner did, he feel that he had come to demand money, the witness said "No".

7. Despite recording these facts, the Inquiry Officer simply by referring to the supervision note in connection with Sakchi P.S. Case No. 107 of 2010 of the Deputy Superintendent of Police, who has mentioned that the petitioner was arrested while talking regarding demand of extortion and, therefore, held the charges to be proved.

8. Having gone through the entire documents on record and the argument advanced by the rival parties, it appears that it is a case of no evidence. Finding is apparently perverse, inasmuch as, the supervision note is an extraneous material having no evidentiary value; more so, the victim himself

admitted that the petitioner never talked about any extortion money; nor he ever demanded any extortion money. Further, by seeing the petitioner, the victim had no any reason to suspect that the petitioner has come to collect money.

9. The other witness examined was the Officer-in-Charge of Sakchi Police Station namely Bhola Prasad Singh who had simply stated that the petitioner was made an accused in Sakchi P.S. Case No. 107 of 2010 and subsequently charge-sheet was submitted against him. This in itself does not prove any misconduct.

10. Thus, apparently, the finding of the Inquiry Officer is based on perverse finding and the order of dismissal as well as the appellate order and the revisional order having been passed on the basis of such perverse finding recorded during enquiry by the Inquiry Officer cannot otherwise sustained in the eyes of law and as such, the same are liable to be set aside.

11. At the cost of repetition, the punishment of the petitioner on the basis of these perverse finding of the Inquiry Officer cannot be sustained in the eyes of law. All the authorities have passed the orders without any application of mind and without proper verification of the records. The authorities have been swayed by the allegations levelled in the F.I.R. and supervision note of the supervising authority in the criminal

case which were nothing but extraneous materials which could not have been looked in a departmental proceeding wherein the evidence was required to be assessed independently.

12. It is also a fact that ultimately the criminal case wherein the writ petitioner was charge-sheeted also ended in clean acquittal of the petitioner vide a judgment dated 2nd of February 2016 (Annexure 9).

13. Having regards to the above, the impugned order of punishment dated 04.03.2011 (Annexure 5), the appellate order dated 21.02.2013 (Annexure 7) & the review order dated 19.11.2015 (Annexure 8); cannot be sustained in the eyes of law and are accordingly, quashed and set aside.

14. The concerned respondent is directed to reinstate the petitioner forthwith. The concerned respondent is also directed to extend all consequential benefits including back-wages within a period of twelve weeks thereafter.

15. Accordingly, the instant writ application stands allowed. Pending IAs, if any, are closed.

(Deepak Roshan, J.)

Dated: 06 / 05 / 2026
Amardeep /
A.F.R

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