

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(S) No. 1042 of 2025**

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Dhananjay Baitha, aged about 40 years, son of Surjan Baitha, resident of Village - Lakheya, P.O. – Bana, P.S. - Meral, District - Garhwa, Jharkhand-822128.

**..... Petitioner (s)**

Versus

1. The State of Jharkhand through the Director General-cum-Inspector General of Police, Jharkhand, having office at Police Headquarter, Dhurwa, P.O. & P.S. - Dhurwa, District - Ranchi.
2. The Inspector General of Police (Training), Jharkhand, having office at Police Headquarter, Dhurwa, P.O. & P.S. Dhurwa, District - Ranchi.
3. The Inspector General-cum-Director, Jharkhand Police Academy, Hazaribagh, P.O. & P.S. Padma, District - Hazaribagh.
4. The Deputy Inspector General of Police (Personnel), having office at Police Headquarter, Dhurwa, P.O. & P.S. Dhurwa, District - Ranchi..

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

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**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

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For the Petitioner(s) : Mr. Krishna Shakar, Adv

For the Respondents : Mr. Suresh Kumar, S.C. (L&C)-II

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**C.A.V. ON: 01/05/2026**

**PRONOUNCED ON:07/05/2026**

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

(a) *For issuance of an appropriate writ, order or direction, particularly a writ in the nature of mandamus, commanding upon the respondents to grant the specific marks to the petitioner as per the Police Order No. 238/93 as he has passed the Semester-II Training of external and internal subjects conducted during 31.05.2023 to 02.06.2023 and 09.06.2023 to 15.06.2023 respectively in Police Training Academy, Hazaribagh as due to non-granting of marks to the petitioner, his position in the seniority list of Police Sub Inspectors, who have been appointed in the year 2018 in Limited Departmental Examination, has been downgraded.*

(b) *For issuance of a further appropriate writ, order or direction, particularly a writ in the nature of mandamus,*

*commanding upon the respondents to finalize the seniority merit list of Police Sub Inspectors of 2018 Batch after granting the specific marks to the petitioner in the 2<sup>nd</sup> Semester as well as Director's/Principal's assessment marks.*

**3.** The brief facts of the case are that the petitioner was appointed in Jharkhand Police on the post of Sub-Inspector of Police and accordingly police order was issued vide Memo No.192/P dated 06.03.2018 by the Police Head Quarter Jharkhand, Ranchi.

**4.** During the training at the Police Training Academy, Hazaribagh, the petitioner appeared in the 2<sup>nd</sup> Semester Examination, and on 08.12.2021 in the paper of Indian Constitution and Police Organization, he was found involved in cheating (carrying chit during the examination) and accordingly he was debarred from appearing in examination and was suspended with immediate effect on 08.12.2021. The departmental proceeding was initiated against him and was awarded forfeiture of increment for six months which is equivalent to one black mark.

**5.** Thereafter, the petitioner again appeared in the 2<sup>nd</sup> Semester for external as well as written test which was conducted in 2023 and he was declared '*passed*', but no marks has been granted to him. Hence, this writ application.

**6.** It has been submitted by Ld. Counsel for the petitioner that the petitioner was not absent/failed in the earlier examination; rather he was debarred therefore he is entitled

for the marks which he got in the examination.

**7.** He further submitted that since the petitioner has been punished in the departmental proceeding as well as the marks has also not been granted in the 2<sup>nd</sup> Semester and Director/Principal's Assessment Marks, as such, for involvement of the petitioner in misconduct in the said Paper only, his seniority would be adversely affected, which is nothing but *dual jeopardy*.

**8.** *Per contra*, learned counsel for the Respondents submitted that the seniority of the petitioner has been determined in accordance with the provision enshrined in the Police Manual more particularly Rule 689(c) read along with Police Order No. 102; and in view of the aforesaid Rule and prescribed guidelines, the Final Seniority List is determined for the Sub-inspector of Police in which the petitioner features at Seniority No. 751 and it requires no further interference.

**9.** Having heard learned counsel for the parties and on perusal of the materials on record, it transpires that when the petitioner was undergoing training at the Police Training Academy, Hazaribagh; during the 2<sup>nd</sup> Semester Examination held on 08.12.2021, the petitioner was found involved in using unfair means in the paper of Indian Constitution and Police Organization, for which he was debarred from the examination and suspended. A departmental proceeding was

also initiated against him, culminating in the punishment of forfeiture of increment for six months equivalent to one black mark. Subsequently, the petitioner appeared in the 2<sup>nd</sup> Semester Examination conducted in the year 2023 and was declared successful; but no marks were not awarded to him, giving rise to the present writ petition.

**10.** The case of the petitioner is that since no specific marks has been awarded to the petitioner and in the result column it is only mentioned as '*passed*' therefore due to non-granting of specific marks to the petitioner, his position at Seniority List of 2018 Batch Sub-Inspectors has been adversely affected and it comes at the bottom of the list though at the initial stage in the actual list of 2018 Batch of Sub-Inspectors, his name stands at above than the present list, so his seniority is being adversely affected and consequent upon which his promotion will also be adversely affected in future.

**11.** Thus, the issue which falls for consideration before this Court is as follows:-

*“Whether after permitting the petitioner to reappear in the Semester-II Examination and declaring him successful, the respondents could have withheld the actual marks and Director/Principal assessment marks contrary to the governing Police Order”.*

**12.** On a plain reading of Clause-7 of Police Order No.238/93 (Annexure-3), it appears that there is a provision of Director/Principal Assessment marks, and at Clause-9(५) of

Police Order No.238/93 issued vide Memo No.2264 dated 04.02.1993; there is a specific stipulation that when anybody would be found involved in misconduct/cheating (carrying chit during the examination) in PTC Examination; then, only in that particular paper zero marks will be awarded and a separate departmental proceeding will also be initiated against him; however, in the present case, in gross violation of Police Order No.238/93, the petitioner has been debarred from appearing in the rest of the examinations and no marks has been awarded to him in the Second Semester Examination which is a double jeopardy against the petitioner as he has already been punished in the departmental proceeding and nobody can be punished twice for the same offence.

**13.** Further, the Court also finds that in the Examination conducted during 2018-19 Session the candidates who have been found involved in the misconduct (carrying chit during the examination), marks have been allotted to them in the said examination and name of some of those candidates is mentioned at Paras-12 and 13 of the writ petition, and the same has not been denied by the Respondent State in their Counter Affidavit; thus, the Court is of the considered view that the action of the Respondent authorities is also in violation of Article 14 of the Constitution of India.

**14.** It is further evident from the records that the petitioner sought information through RTI; whereby it has been informed that he has scored 1011 marks in the examination, however, the same has not been granted to the petitioner and he has been only declared '*passed*'.

**15.** In the aforesaid facts and circumstances, this Court is of the considered view that the petitioner is entitled for Director/Principal assessment marks and the marks in the paper in which the petitioner has appeared and passed as per Annexure-3 of the writ application.

**16.** Hence, the issued framed, is decided in favour of the petitioner, inasmuch as, after permitting the petitioner to reappear in the Supplementary Examination and declaring him '*Passed*', the respondents could not have withheld the actual marks and Director/Principal assessment marks as the same is contrary to the governing Police Order.

**17.** Accordingly, the Respondent No.2 i.e., I.G. (Training) Jharkhand and Respondent No.4 i.e., D.I.G. (Personnel) Jharkhand, Ranchi is directed to grant Director/Principal Assessment marks as well as number in the Second Semester Examination (External as well as Written) also; and accordingly prepare the seniority list of 2018 Batch of Sub-Inspector of Police who have been appointed in the light of Advertisement No.9/17 and Police Order issued vide Memo

No.192/P dated 06.03.2018 issued by the Police Head Quarter  
Jharkhand, Ranchi.

**18.** The respondents are directed to complete the entire exercise as stated in the preceding paragraph within a period of four weeks from the date of receipt/production of copy of this order.

**19.** Consequently, the instant writ application stands allowed. Pending IAs, if any, are closed.

**(Deepak Roshan, J.)**

*Dated:07/05/2026*  
*Amardeep/*  
*A.F.R*

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