**In the High Court of Judicature at……….……….**

In re, Article 226 of the Constitution of India

Civil Writ Petition No ………. of ……….

A B (add description and residence) Petitioner

Versus

1) State of ……….………. Respondent

2) C D, Inspector-General of Police, at. ...

3) E F, Inspector of Police ..... Division at.

Petition under Article 226 of the Constitution of India for issue of a writ of Prohibition  The petitioner above named states as under:

1. That he was appointed as Sub-Inspector of Police in the State ……….of……….on….…. 2. That he served the State in various capacities, to wit as ………. in ……….at………. and ……….as

……….in ……….at.

3. That while he was stationed at……….and serving as ……….ne was served with a charge- sheet  dated ………. a copy whereof is filed herewith.

4. That enquiry into the said charges was made by respondent No. 3 from ……….to ………., who  submitted a report dated ………. to respondent No. 2 finding the charges mentioned in charge sheet above-mentioned to be proved.

5. That according to Rule ……….of ……….. the charges aforementioned could not be enquired into  except by an officer of the rank of superintendent of police of ………. Division or with the approval of

………. respondent NO.2 of another Division in the State of ……….

6. That on ……….the petitioner received notice form respondent No.2 to show cause why he should  not be dismissed from service.

7. That the aforesaid enquiry was illegal and ultra vires. Respondent No.2 had no jurisdiction to take  into consideration the said enquiry or pass any order on the basis thereof. The so-called enquiry  was held by person not duly authorized to do so.

8. The holding of a departmental enquiry by a Superintendent of Police is a condition precedent, a fact  which must exist before respondent NO.2 can assume jurisdiction or authority for the purpose of  passing the final order of dismissal under Rule ………. of against the petitioner.

Here is a case of acting without or in excess of jurisdiction.

9. That in any view of matter here is a case in which there is a substantial error apparent on the fact of  the record and an error of jurisdiction for the purposes of 'certiorari' or 'prohibition.'

10. It is, therefore, prayed that a writ be issued prohibiting the respondent form proceeding to take  further action against the petitioner by way of dismissal of the petitioner from the police force or  doing any other act to the prejudice of the petitioner based on the purported enquiry and the findings  thereon referred to in the petition.

N. B .- An Affidavit in support of the petition is also herewith.

Dated ……………. AB, petitioner

Advocate

For the petitioner