

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2304 of 1997

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Gauri Shankar Singh son of Sri Hardeo Narain Singh, Offiocer Incharge,
Madhuban Police Station at Kharkharee, District- Dhanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police (Administration), Bihar, Patna.
4. Raj Kumar Yadav, Dy. S. P., Law and Order, Patna.
5. Shiva Shankar Prasad Yadav, Officer Incharge, Shgastri Nagar Police Station,
Shastri Nagar, Patna.
6. Abhai Narain Singh, Inspector of Law and Order, Patna.
7. Senbior Superintendent of Police, Patna.
8. City Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra
 Mr. Dwivedi Surendra
 Cap. Bishok Sen Mishra

For the Respondent/s : Mr. Anjani Kumar, AAG-Vi

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 22-01-2015

Heard learned counsel appearing on behalf of the petitioner and the learned Additional Advocate General-VI, appearing on behalf of the respondents.

2. The petitioner has approached this Court under Article 226 of the Constitution of India seeking a direction to the respondents to consider his case for granting him out of turn promotion on higher post in terms of Rule 660C of Bihar Police Manual, 1978 on account of the act of bravery of the petitioner while discharging his official duty.

3. Learned counsel appearing on behalf of the petitioner has submitted that for redressal of his valid grievances he approached the competent authorities, but without any valid justification the benefit in terms of Rule 660C of the Bihar Police Manual has been



denied to him till date, though he fulfils the conditions for grant of such benefits. It is contended that the cases of the petitioner and that of one Shambhu Nath Dubey were/are on identical footing. The aforesaid Shambhu Nath Dubey had also approached this Court in C.W.J.C. No. 5458 of 1997 for identical relief and his writ petition was finally disposed of by the judgment and order dated 17.01.2014 by a Bench of this Court [Coram: J.N.Singh,J, since superannuated]. It is further contended that the petitioner is entitled to have the similar relief. It is also pointed out that the petitioner has been meted out discriminatory treatment by not granting him the benefit in terms of Rule 660C of the Bihar Police Manual.

4. Learned Additional Advocate General-VI appearing on behalf of the respondents has stoutly opposed the prayer made on behalf of the petitioner. While opposing the prayer of the petitioner he has placed reliance to the averments made in the counter-affidavit filed on behalf of the respondent no. 2 and 3. According to him, the petitioner does not fulfil the conditions laid down under Rule 660C of the Bihar Police Manual, therefore, he cannot be granted out of turn promotion on higher post. It is contended that the recommendation made by the City S.P., Patna, cannot be taken into consideration for granting benefits to the petitioner in terms of Rule 660C of the Bihar Police Manual. It is pointed out that the integrity of the petitioner was also doubted by the Sr. Superintendent of Police, Patna. It is further pleaded that the case of the petitioner and that of Shambhu Nath Dubey are not on identical footing, rather both the cases are quite distinguishable.

5. After having heard the parties at some length, this Court is of the opinion that the issues of facts raised on behalf of the parties should be gone into at the first instance by some higher authority of

the State Government. Indisputably, claim raised on behalf of the petitioner for granting him out of turn promotion in terms of Rule 660C has not been rejected till date. Furthermore, the case of Shambhu Nath Dubey has been remitted back by a Bench of this Court for consideration by a competent authority/ Board.

6. In view of the rival submissions made by the learned counsel appearing on behalf of the parties, since the petitioner is still in service of the State Government, this Court is of the opinion that at the first instance the petitioner should file a comprehensive representation before the respondent Director General of Police, Bihar, Patna (respondent no.2) with all supporting documents raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

7. If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of this order, then the respondent no.2 shall be obliged to examine the matter afresh and, if need be, he shall get a fresh report called for from the competent authorities and shall decide the claim of the petitioner for granting him the benefits for out of turn promotion in terms of Rule 660C of the Bihar Police Manual by a reasoned and speaking order at an early date preferably within a period of four months from the date of filing of such representation.

8. If on consideration of materials the respondent D.G.P. or the Board comes to the conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

9. It is clarified that in view of dispute of facts raised on behalf of the parties, this Court has not gone into the merits of the

claims raised by the parties and it is left to be decided conclusively by the respondent no.2/Board in accordance with law.

10. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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