

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4124 of 2013

In
C. REV. 296 of 2009

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Niranjan Kumar, son of Sri Rajdeo Sharma, resident of Village Dhiriyaari,
P.S. Ghoshi, Dist. Jehanabad. At present posted as Patna District Police.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Abhyanand, S/o (presently not known to the petitioner), Director
General-cum-Inspector General of Police, Bihar, Patna.
3. Sri A.K. Upadhyay, son of (presently not known to the petitioner),
Additional Director General, Bihar Military Police, Bihar, Patna.
4. Sri Pankaj Kumar Raj, S/o (presently not known to the petitioner),
Commandant, Bihar Military Police-10, Bihar, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-01-2015 Heard learned counsel for the petitioner. No one
appears for the State.

The grievance of the petitioner in this contempt
application is confined to non-consideration of his case for out of
turn promotion and non-compliance of the order of this Court on
4.7.2012 in Civil Review No. 296/2009.

This Court, on perusal of the show-cause reply, would
find that as a matter of fact, the Commandant BMP-10, while
finding the petitioner to be not eligible for such out of turn

promotion, had sent the representation of the petitioner for final disposal before the Director General of Police through the D.I.G. (Human Right). In the show-cause reply, in paragraph no.5 & 6, the opposite party no.4 has taken up the following stand:-

- "5. *That petitioner sent representation in the office of the D.G.P. Bihar through DIG (Human Right) and an application with representation to DIG Human Right was received in the office of the Commandant BMP-10 dated 13.08.2012. You deponent communicated to the DIG (Human Right) for taking necessary action vide Memo No. 2419 dated 25.08.2012. The matter is being examined with reference to the Govt. Rules and order will be passed shortly.*
6. *That as matter for out of turn promotion is considered by D.G. cum I.G. of police Bihar. Hence the petition was forwarded to D.I.G. Human right."*

In view of the fact that no time limit was fixed nor any authority was prescribed for disposal of such representation, while this Court will not hold the opposite parties to be in contempt, the Director General cum Inspector General of Police, Bihar is hereby directed to take a decision on the reference made by the Commandant, BMP-10, Patna in his letter dated 25.8.2012 and communicate its result to the petitioner within a period of four months from the date of receipt of this order.

With the aforementioned observation and direction, this

application is disposed of.

(Mihir Kumar Jha, J)

