

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3270 of 2015

=====

1. Rajan Kumar Singh Son of Sri Balmiki Singh Resident of village - Kajra Khaira,
P.S.- Abhaypur, District - Lakhisarai.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs (Grih Mantralaya), Govt. of India, New Delhi - 1.
2. The State of Bihar through Home Commissioner, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police (Headquarter), Bihar, Patna.
5. The Joint Secretary, Home (Police), Bihar, Patna.
6. The Deputy Inspector General of Police, Champaran Range, Bettiah.
7. The Superintendent of Police, Motihari.

.... Respondent/s

=====

Appearance :

For the Petitioner/s :	Mr. Mithilesh Kumar Rai
For the Respondent/s :	Mr. SC23- KUMAR PRIYARANJAN
For the Union of India:	Mr. Awadesh Kumar Pandey
	Mr. Ravinder Kuamr Sharma

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 14-05-2015

14.05.2015

Heard learned counsel for the parties.

Petitioner claims discrimination in award of President's Medal for bravery in an operation which led to institution of Kesaria P. S. Case No. 32 of 2011. It is said that petitioner was part of the operation where several extremists were killed, large quantity of arms and ammunicions were recovered and petitioner played an active role. Petitioner is a Constable working in the special task force. On some inputs and intelligence gathered by the superior authorities the operation was

planned and executed with grand success.

The case of the petitioner is that the superior authorities and some other favourates of the superior officers were recommended for grant of gallantry award or award of President Medal, while petitioner was left out, therefore, the writ application.

The stand of the State is that there was nothing significant in terms of role or act of bravery played by the petitioner. There was participation by a large number of officers as well as constables in the said operation. The award of gallantry is not a matter of course by mere presence in an operation but it is an act of bravery or gallantry shown during the operation which forms the basis for consideration or recommendation.

The respondents have taken a plea that the investigation and the supervision does not indicate anything of significance with regard to the conduct of the petitioner which turn the table in favour of the petitioner. No doubt, as a constable, he did participate and many rounds of fire by weapon was made in the said operation, but that by itself does not become an act of bravery.

Gallantry award or President Medal cannot be given indiscriminately to everybody or anybody who may



be part and parcel of the operation. What emerges in terms of role played by a person, be it a superior authority or subordinate, ultimately, will form the basis for consideration. The Court has gone through Annexure-A, which is the investigation report. Nothing stark as such with regard to the conduct of petitioner is emerging except that he also participated and fired a number of rounds in the said operation. Merely being part of the force, therefore, does not entitle him to be recommended for gallantry award. No case, therefore, for a direction in favour of the petitioner is made out with regard to the relief prayed in the present writ application.

Writ application is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

SKM/-

U			
---	--	--	--