

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12084 of 2015

=====

Mahtab Hussain, son of Late Abdus Salam, resident of Mohalla -
Khelafat Bagh, Mehsoul Chowk, P.S. - Sitamarhi, District -
Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Home (Police), Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Bihar Anti Terrorist Squad, Patna.
6. The Chairman Selection Committee-cum-Superintendent of Police, Jehanabad.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the State : Mr. Lalit Kishore (PAAG)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 30-08-2016



This writ petition, under Article 226 of the Constitution of India, in the shape of Public Interest Litigation, has been filed seeking a direction to the State Government, *inter alia*, to appoint a full time Inspector General, Anti-Terrorist Squad (ATS) and further to take steps for filling-up the sanctioned posts, lying vacant at ATS, Bihar, adhering to the requirements, laid down under the ATS Rules, 2013.

2. Heard Mr. Ashhar Mustafa, learned Counsel, appearing on behalf of the petitioner, and Mr. Lalit Kishore, learned Principal Additional Advocate General, appearing on behalf of the State of Bihar.

3. Several affidavits have been filed on behalf of the respondents-State of Bihar including the latest filed on 18.08.2016, sworn on 16.08.2016, by the Principal Secretary, Home, Government of Bihar, Patna (respondent No. 2). It has been stated in the affidavits that a full fledged Inspector General for the ATS, Bihar, has assumed charge of his office.

4. On the question of filling-up of various posts, lying vacant under the ATS, Bihar, which have been duly sanctioned for effective functioning of the ATS, statement has been made in the counter affidavit, filed on



behalf of the Principal Secretary, Home, Government of Bihar, Patna, that 62.74% of total sanctioned posts, in the ATS, have been filled-up. Details of the posts, which have been filled-up and which are yet to be filled-up, have been given in paragraph 12 of the supplementary counter affidavit filed on behalf of respondent No. 2.

5. There is specific statement, made in paragraph 13 of the supplementary counter affidavit, filed on behalf of respondent No. 2, that the State Government is vigilant and willing to fill-up all the sanctioned posts, under the ATS, within a reasonable period of time.

6. Having considered the submissions advanced on behalf of the petitioner and the State of Bihar, in the light of the stand taken in the present supplementary counter affidavit, filed on behalf of respondent No. 2, we close this proceeding with an observation that the State-respondents must make earnest endeavour not only to fill-up the sanctioned posts, but to make ATS, Bihar, an effective force to tackle terrorism in the State of Bihar.

7. The Court expects that the State Government shall ensure that the members of ATS force are given best possible training and they are kept in readiness to meet any exigency in emergent situation.

8. This application is, accordingly, disposed of with a liberty to the petitioner to approach this Court again, if such situation arises in future.

(I. A. Ansari, CJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.09.2016
Transmission Date	N/A