

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3444 of 2011

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Dev Narayan Singh S/O Ishwar Chandra Singh Resident of Village + P.O.
Nagawa, P.S. Simari, District Buxar.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The D.G. cum I.G. of Police Bihar, Patna.
3. The D.I.G. of Police, Magadh Range Gaya.
4. The S.P. Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Ms. Nirmala Kumari

For the Respondent/s : Mr. Anjani Kumar Addl. Advocate General - 6

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 01-02-2016 Heard learned counsel for the petitioner and Sri
Anjani Kumar, learned Addl. Advocate General – 6.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has made a prayer for directing the respondents to restore his seniority, in view of his position in the selection list, as per Adv. No. 1 of 1998.

It was submitted by learned counsel for the petitioner that pursuant to Adv. No. 1 of 1998 for the post of Constable, the petitioner applied and selected, however, after selection, on the plea of lesser height, he was not given employment. Subsequently, he filed writ petition, which was disposed of and only thereafter, the petitioner has been given employment as Constable. However,

petitioner's seniority, in view of selection made pursuant to Adv. No. 1 of 1998, has not been restored. It has been indicated that the petitioner had filed representation, but same has not been considered till date.

Learned counsel for the petitioner accepts that earlier he was appointed in the district of Nawada, however; finally petitioner has been transferred to Patna and he is presently functioning in Patna.

Learned Addl. Advocate General - 6 submits that instead of keeping the writ petition pending, the writ petition may be disposed of granting liberty to the petitioner to file representation before the Senior Superintendent of Police, Patna regarding his grievances.

The Court is also of the opinion that writ petition can be disposed of granting liberty to the petitioner to file representation with supportive documents before the Senior Superintendent of Police, Patna regarding his claim of restoring his seniority. If such representation is filed within a period of eight weeks from today, the Court expects that the Senior Superintendent of Police, Patna may examine the same and pass appropriate order in accordance with law, preferably within a period of three months from the date of filing of such

representation. If claim of petitioner is considered favourably, necessary orders must be passed within aforesaid time. Even in case of refusal, the Senior Superintendent of Police is required to pass a speaking order and communicate the same to the petitioner within aforesaid time.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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