

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22387 of 2013

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Shashank Bhushan Sharan S/O Late Shambhu Saran Narayan Resident Of
Village- Bhagwatiya, P.S- Kesariya, Motihari, District- East Champaran.
..... Petitioner/s

Versus

1. The State of Bihar through the Home Commissioner, Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police (Headquarter), Bihar, Patna.
4. The Deputy Inspector General of Police (Personnel and Administrative)
Bihar, Patna.
5. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga
6. The Senior Superintendent of Police, Darbhanga.

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Verma
For the Respondent/s : Mr. Girija Shankar Pd

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 03-02-2016 Heard learned counsel for the petitioner and learned
counsel appearing in behalf of the State.

The petitioner seeks to set aside the order dated
24.08.2012 contained in Memo No. 1587 and also Memo No.
2650 dated 11.09.2012 passed by the Deputy Inspector General of
Police, Darbhanga Range, Darbhanga and the Senior
Superintendent of Police, Darbhanga.

Learned counsel for the petitioner submits that pursuant
to Memo No. 3015 dated 18.08.2010 an order dated 27.02.2011,
the petitioner had been placed under compulsory retirement. As
such the petitioner came to this Court in C.W.J.C. No. 5884 of
2012. It is submitted that the said litigation arose on account of

the fact that several persons including this petitioner had been placed under compulsory retirement on the basis of the recommendation made by the Departmental Promotion Committee which was violative of the Rules and also Rule 854 (A) of the Bihar Police Manual. This Hon'ble Court after considering the claim of the parties and after perusing the orders had held that under the Promotion Rules, the DPC while considering the case of promotion cannot recommend for compulsory retirement and accordingly the petitioner's case was allowed vide Anenxure-4. It is further submitted that the order of compulsory retirement of one Rajiv Ranjan Singh who was also a victim of the aforementioned Memo No. 3015 dated 18.08.2010, after relying on the order passed by this Court in the case of the present petitioner, his order of compulsory retirement was also set aside by this Court. Further, in C.W.J.C. No. 6105 of 2011 filed by one Anil Kumar who had also challenged the same Memo and by which he had also been placed under compulsory retirement, this Court had set aside the order of compulsory retirement by which the said Anil Kumar was also taken back into service. Learned counsel for the petitioner submits that though these two petitioners referred to above were taken back into service, the present petitioner has been singled out and a discriminatory order has been passed, placing

him once again under compulsory retirement after giving him three months' salary. He further submits that such a partisan attitude adopted by the State cannot be sustained in the eye of law and thus the order is fit to be set aside.

Learned counsel appearing on behalf of the State fairly enough submits that the present petitioner's case falls into the same category and the other two petitioners were taken back into service after having come to this Court and they are still in service.

Considering the fact that this petitioner is also similarly situated and that his order of compulsory retirement had only been recommended by the Departmental Promotion Committee which was not authorized under the relevant Rules to recommend for Compulsory retirement, it would be only in the interest of justice that the petitioner be given similar treatment and he be placed and put back in service in accordance with prevalent Rules.

With the aforementioned observation, this application is allowed. The impugned orders dated 24.08.2012 and 11.09.2012 passed by the Deputy Inspector General of Police, Darbhanga Range, Darbhanga and Senior Superintendent of Police, Darbhanga respectively, contained in Annexures-10 and 11 are, accordingly, set aside.

The petitioner is directed to be taken back into service

upon the similar terms as has been done in the case of other similarly situated persons, namely, Rajiv Ranjan Singh and Anil Kumar who had come to this Court earlier.

There shall be no order as to costs.

(Anjana Mishra, J)

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