

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11924 of 2013

Raj Kumar Singh Son Of Late Dana Singh Resident Of Village Padriyavan, P.O. Vajirpur, P.S. Bikram, District Patna

.... Petitioner/s

Versus

- 1. The Union of India through Principal Secretary Ministry Of Defence, New Delhi
- 2. Provost Marshall and Appellate Authority Office Adjutant General Branch, New Delhi
- 3. The D.D.G., Headquarters Recruiting Zone (Bihar and Jharkhand), Danapur Cantt., Bihar
- 4. The Deputy Commandant Hq, 1 STC, Jabalpur, Madhya Pradesh
- 5. Commanding Officer, Headquarters-1 Signal Training Regiment, Jabalpur Madhya Pradesh
- 6. The State Of Bihar, Through Director General of Police
- 7. Senior Superintendent of Police, Patna
- 8. Senior Superintendent of Police, Rural, Patna
- 9. Officer In charge, Bikram Police Station, Patna
- 10. Kundan Kumar Son of Jitendra Singh Resident of Village Padriyavan, P.O. Warjipur, P.S. Vikram, District Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Union of India : Mr. Anshuman Singh, CGC (UOI)
For the State : Mr. A.K. Upadhya, SC-20

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 02-03-2016

Heard Mr. Ravindra Kumar for the petitioner, Mr. Anshuman Singh for the Union of India and Mr. Upadhyaya, SC-20 of the State.

The writ application seeks issuance of a writ of quo warranto for removing respondent no.10 from the post he is holding under the respondent- Commanding Officer, Headquarters-1, Signal Training Regiment, Jabalpur, Madhya Pradesh. Precisely, the grievance is that respondent no.10 had some criminal cases pending against him and, as such, he was/is unqualified for the post. However, from the pleadings it does not appear that any such eligibility

criteria was fixed. No document is enclosed in support of the contention that respondent no.10 should be declared ineligible for the post and thereby a usurper of the post. That apart, from the counter affidavit of the respondent-Union of India, it appears that they have taken cognizance of the matter and enquiries in this regard are being made.

On the basis of the pleadings made in the writ application, this Court is unable to grant the relief prayed for in this writ application. It is accordingly dismissed.

(Kishore Kumar Mandal, J)

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