

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18649 of 2013

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1. Sanjeet Kumar Sinha S/O Late Raj Banshi Prasad Resident Of Mohalla- New Chandmari, Durga Mandir, P.S- Motihari Town, East Champaran, At Present Posted As S.I. Of Police (Investigation Incharge), Danapur Police Station- District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Principal Secretary- Cum- Home. Commissioner, Govt. Of Bihar, Ministry Of Home Old Secretariat Building, Patna.
2. The Home Secretary, Govt. Of Home, Ministry Of Home, New Delhi.
3. The Director General Of Police- Cum- Inspector General Of Police, Bihar Old Secretariat, Building Patna.
4. The Inspector General of Police, Tirhut Zone, Muzaffarpur, Bihar.
5. The Deputy Inspector General of Police, Champaran Zone, Bettiah, Bihar.
6. The Superintendent of Police, Bagaha in the District Of West Champaran at Bettiah, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv.
Mr. Mahesh Prasad, Adv.
For the Respondent/s : Mr. Kinkar Kumar SC-27

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 12-07-2016

Heard the counsel for the petitioner and Mr. Kinkar
Kumar SC- 27 for the State.

Parties have exchanged pleadings.

An Interlocutory Application is filed to challenge the
proceedings of the Screening Committee held at the police
headquarters copy whereof is enclosed as Annexure-9 thereto.

In this writ application filed under Article 226 of the
Constitution of India, the petitioner who is serving the State



Government as Sub Inspector of Police has prayed for an appropriate order/direction to recommend his case for grant of the President's Police Medal for Gallantry on the basis of the recommendations made by the Inspector General of Police, Muzaffarpur (Annexure-5). Questioning the legality of the proceedings of the Screening Committee, in so far as it relates to him, it has been submitted that the same is a cryptic order inasmuch as no reason for not recommending his case for grant of the Police Medal for Gallantry has been explicitly stated.

Short facts giving rise to the writ petition is that on 20.04.2006, the petitioner led a slew of police personnels and made encounter with the gang of criminals led by Bahoran Noniya a notorious criminal in which he was grievously injured. It was an act of bravery on the part of the petitioner as he risked his life and displayed great courage in taking prompt action against the band of criminals. His act of courage and perseverance has boosted the image of the police. The occurrence led to filing of the criminal case vide Bagaha P.S. case no. 81 of 2006, registered under Sections 353 and 307 of the of the IPC and allied Sections as also diverse Penal Provisions of the Arms Act. The Superintendent of Police as well as the Inspector General of the Range recommended his case for grant of President's Police Medal for Gallantry. The Screening Committee at

the Headquarters did not approve his case which is allegedly on extraneous consideration citing vague reasons .

Per contra, the State counsel has submitted that petitioner cannot claim, as of right, any such gallantry award which may entitle the recipient to out of turn promotion as provided in the Rule 660 (C) of the Bihar Police Manual (for short 'the Manual'). While considering cases for such recommendation various aspects are considered by the Screening Committee consisting of top police officials of the State such as the Director General of Police, the Additional Director General of Police, CID, the Additional Director General of Police, Headquarters and two other senior police officers. Report from the CID of the occurrence and circumstances connected therewith is/are obtained in order to consider the claim of each recommendee like the petitioner. Even if the recommendation is accepted, in very rare case a further recommendation is made for grant of President's Police Medal for Gallantry. In few cases even on approval the Screening Committee recommends for grant of some cash reward. The Screening Committee has recorded reasons for not recommending his case for grant of Medal.

True it is that the petitioner was involved in an act of bravery when he led a police team to encounter a band of criminals



on the date of occurrence risking his life which earned him recommendations by the District as well as higher police authorities at the Range level. Such recommendations entitle the recommendees to have his/their case considered by the Screening Committee at the State level. Right to consideration of the claim by the Screening Committee would be the legal right vested in the recommendees, like the petitioner. In the case at hand, the respondents placed his case along with others before the Screening Committee for consideration and recommendation. In that context, it can be held that no legal right of the petitioner has been breached by the respondents.

The relevant minutes/proceedings of the Screening Committee has been challenged stating that the same is a cryptic order not disclosing adequate reasons. On going through the entire proceedings held on 03.11.2014 (Annexure-9) it appears that the Committee in all cases considered the inputs provided by the Criminal Investigation Department as to the veracity of the case and the connected circumstances in which such acts of bravery are displayed by the police personnel. In the case of the petitioner, the recommendation for grant of President's Police Medal for Gallantry has been turned down appreciating the report submitted by the Criminal Investigation Department. What material the Screening Committee considered in approving/disapproving the

recommendation cannot be analyzed in exercise of the writ jurisdiction of the Court, particularly, when no legal right of getting the President's Police Medal for Gallantry flows from any statutory provision. Rule 660 (C) of the Manual, on which reliance has been placed by the petitioner, deals with out of turn promotion. On grant of Police Medal(s) one of the criterions for determining outstanding service record is whether the police personnel was awarded with President's Police Medal or any other Medal for Gallantry and distinguished service. On looking to the provisions, mentioned above, it does not appear that any Police personnel has vested legal right to grant of such award of President's Police Medal.

In the light of my discussions made above, I do not find any merit in the claim of the petitioner as raised in the writ petition. The writ application lacks merit. Dismissed.

No order as to cost(s).

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	NAFR
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