

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11695 of 2008

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1. Dasharath Singh (Constable No. 173) son of Late Mohan Singh, village – Satjora Pakari P.S. Panapur District Saran
 2. Harindo Maharaj (Constable No. 8), son of Late – Laxmi Maharaj, village + Post – Piparpati P.S. Kishangarh, District Bhojpur (Arrah)
 3. Deo Kishore Singh (Constable No. 553) son of Late Nageshwar Singh village + Post – Daulatpur P.S. Koelwar distt. Bhojpur (Arrah)
 4. Satya Deo Singh (Const. No. 54) son of Late Rajeshwar Singh village + Post Daulatpur P.S. Koelwar District Bhojpur (Arrah)
 5. Amerika Sharma (Const. No. 818) Late Kedar Sharma vill+ Post +P.S. Ghosi, District Gaya
 6. Mohammad Mokhtar Ahmad (Const. No. 541) son of Late Mojahir Hassan, vill+ Post – Sabait, P.S. Bihar Sharif, District Nalanda
 7. Pashupati Singh(Constable No. 143) son of Late Mohan Singh vill. Satjora Pakari P.S. Panapur Distt. Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary – cum- Home Commissioner , Deptt. Of Home Affairs, Govt. of Bihar, Patna
3. Director General -Inspector General of Police, Bihar, Patna
4. Director General , Bihar Military Police, Patna
5. D.I.G. Bihar, Military, Police North Division Muzaffarpur
6. Commandant B.M.P. – 8, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Respondent/s : Mr. Anil Kumar Upadhyaya, SC No. 2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 10-05-2017

1. Heard Sri Dhananjay Mishra , learned counsel for the petitioners and Sri Anil Kumar Upadhyaya, learned SC No. 2 .

2. Seven petitioners, who were Constable in the Police



Department had approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India with a prayer to direct the respondents to pay the benefit of Bihar State Servant Service Condition (Assured Career Progression) Rule 2003 (hereinafter referred to as the “A.C.P.”) and pay arrear of increased salary after granting A.C.P. with interest . However, it has not been disputed that petitioners had not undergone training whereas, as per Police Manual for grant of promotion it was necessary to pass a certificate of training. Earlier in view of Annexure ‘3’ to the writ petition i.e. communication by the Inspector General (Head Quarter) which was sent to the Home Secretary by order dated 10.04.2017 this Court had directed the Secretary –cum- Home Commissioner, Department of Home Affairs, Government of Bihar, Patna to file affidavit as to whether as per recommendation any amendment has been done or not. In compliance with the order of this Court , Principal Secretary, Home Department has filed counter affidavit . On going through the counter affidavit it is evident that till date no decision has been taken for amending the Police Manual.

3. The Court is of the opinion that unless there is any amendment in the Police Manual certainly in absence of passing, there is difficulty for this Court to pass an order for granting benefit of A.C.P. In view of the facts and circumstances, at the moment ,



there is no reason to pass any positive order

4. The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11-05-2017
Transmission Date	NA

