

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4566 of 2016

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Manibhushan Pratap Sengar, Son of Jitendra Kumar Singh, resident of Mohalla-Premji Colony, Kharaunia Bagicha, P.S.- BY-pass, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, Through Chief Secretary, Patna.
2. The Principal Secretary, Home Department, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Principal Secretary, Establishment Department, Patna.
5. The Principal Secretary, Finance Department, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Anjani Kumar, AAG-6

Mr. Sanjay Prasad, AC to AAG-6

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 07-03-2017

The petitioner has sought curtailment of the police personnel in the security duties of the VIPs so that the police personnel are available for the law and order duties.

In a counter affidavit filed, it is pointed out that the two wings of the police, one is investigation and the other is law and order was implemented in 23 police stations in the year 2012 and subsequently extended to 155 other police stations but in the entire state vide communication dated 1st March, 2016. It is also pointed out that there are 29194 vacancies even though 79766 police men are working. Still further, sanctioned strength has been increased and



selection process of appointment of 1100 Sub-Inspectors is in progress.

It is also pointed out that the District Level Security Committee reviews the provision of security and certain category of officials are entitled to the protection of the police personnel.

We find that though, less and less police personnel should be available for providing security to the VIPs, but it is an administrative decision keeping in view the security concerns as to how many times police personnel to be deputed for the security services and for the investigation purposes. This Court in exercise of power of judicial review cannot direct for removal of the security personnel as such decision falls within the exclusive domain of the executive authorities as law and order is a State subject. The State is the most appropriate authority to take decision in this regard.

We do not find that any direction is called for in the present writ application. The same is, thus, disposed of.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F.R.
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