

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.986 of 2017

Bandey Kumar Yadav, Son of late Chalo Prasad Yadav, Resident of Village-Srinagar, P.O. Charrapatti, P.S. Sahebpur Kamal, District Begusarai, at Present resident of Mohalla Lal Darwaja, Gumti No.-1, P.S. Kotwali, District Munger

... .. Petitioner/s

Versus

1. The State of Bihar, through the Director General of Police, Bihar, Patna
2. The Superintendent of Police , Lakhisarai,
3. The Bihar Police Men's Association, Bihar, Patna, through its President.
4. The President, Bihar Police Men's Association, Bihar, Patna
5. The Chief Secretary, Bihar Police Men's Association, Bihar, Patna
6. Sri Narendra Kumar Dhiraj, S/o Shri Dudheshwar Singh, Chief Secretary, Bihar Police Men's Association, Bihar, patna
7. Sri Mukesh Kumar, Son of not Known to the Petitioner, at Present Working under Superintendent of Poilice, Lakhisara as President for Lakhisarai District, Bihar Police Men's Association, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar Sinha Mr. Satish Kumar Sinha
For the Respondent/s	:	Mr. SHEO SHANKAR PRASAD, SC-8
For the Respondent No. 6:	:	Mr. Bibhakar Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-02-2018 Heard learned counsel for the parties.

By the present writ petition, the petitioner has prayed for quashing of letter no. 428 dated 24.11.2016 issued by the General Secretary, Bihar Police Men's Association, Bihar, Patna whereby and whereunder the petitioner has been removed from the post of President of Lakhisarai District, Bihar Police Men's Association.

The learned counsel for the respondents has raised a preliminary objection regarding maintainability of the present



writ petition on the ground that the aforesaid association is a private body and is not exercising any public function, hence is not a State under Article 12 of the Constitution of the India.

In view of the admitted position that the aforesaid association is not a statutory body and it merely represents the interest of its members, as also the fact that the said Association is neither a State within the meaning of Article 12 of the Constitution of India nor an instrumentality of the State nor financed by the State nor run on State funding but is purely a private body, this Court is of the view that the present writ petition is not maintainable, as against the said Association.

The learned counsel for the respondents relies upon a judgment dated 22.11.2017 passed in CWJC No. 15891 of 2017 to buttress his stand regarding the non-maintainability of the present writ petition.

The writ petition is disposed of with liberty to the petitioner to avail such remedy as available under the law.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

