

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13070 of 2017**

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Shesh Nath Ram, Son of Late Hukum Ram, resident of Village Jhanjhari, P.S.-  
Inarwa Bazar, District- West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police Bihar, Patna.
3. The Additional Director General of Military Police, Bihar, Patna.
4. The Deputy Inspector General, Military Police, Central Zone, Patna.
5. The Commandant, B.M.P.- 16, Phulwari Sharif, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Respondent/s : Mr. Md.Nadim Seraj, G.P.5

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 04-01-2018**

Heard learned counsel for the parties.

2. A seniority list of *Hawildar* is at Annexure-2 to this petition and the petitioner is at serial no. 8 in order of seniority and is the senior most among those appointed in the year 2002, who were promoted to the said post in the year 2010 .

3. It is bearing in mind such position that promotions were made to the post of Sub-Inspector vide office order no. 113/2016 issued under the signature of Additional Director General of Police dated 29.08.2016 and in which the name of the petitioner appears at the bottom of the list at serial no. 21. A copy of the order is enclosed at Annexure-A to the counter affidavit.

4. Although persons at serial no. 1 to 7 of the order of



promotion are junior to the petitioner as per the gradation list at Annexure-2 but since the petitioner, had been promoted he did not raise any grievance and it is this lapse which has visited him with order of reversion bearing memo no. 1487 dated 04.08.2017 impugned at Annexure-3 whereby the Commandant, Bihar Military Police carrying an impression that the petitioner had superseded several Hawildars, has proceeded to revert him. The order is non-speaking for no instance of supersession is discussed nor the position is clarified in the counter affidavit. It is also not in dispute that no opportunity of hearing was given to the petitioner before the order was passed. The order is mechanical and without application of mind, apart from the fact that it is in the teeth of principles of natural justice.

5. The order is also bad on the issue of recovery for in absence of any misrepresentation by the petitioner and having discharged the duties of Sub-inspector, even if the Commandant has different impression, no recovery could be made from him.

6. For the reasons discussed, the order bearing no. 1487 dated 04.08.2017 impugned at Annexure-3 cannot be upheld and is accordingly quashed and set aside.

7. The petitioner is restored to his position as Sub-inspector.

8. Let the amount recovered, if any, be refunded to the



petitioner within four weeks of receipt/production of a copy of this order.

9. The writ petition is allowed with the directions  
aforementioned.

10. The option is available to the Commandant to proceed  
afresh in the matter but in accordance with law.

**(Jyoti Saran, J)**

khushbu/-

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