

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12424 of 2010

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1. Braj Kumar Singh @ Braj Kumar Prasad Singh S/O Late Satya Narayan Singh R/O Vill.- Mehush, P.S.- Mehush, Distt.- Sheikhpura, At Present Residing At Vill.- Jaitpur, P.S.- Barahiya, Distt.- Lakhisarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director General Of Police, Bihar, Patna
3. The Inspector General Of Police, Bhagalpur, Distt.- Bhagalpur
4. The Deputy Inspector General Of Police, Munger Zone, Distt.- Munger
5. The Superintendent Of Police, Begusarai, Distt.- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Sheo Shanker Prasad, SC 8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 21-03-2018 No one appears on behalf of the petitioner. Learned counsel for the State is present.

Present case was taken up on 19.3.2018, on that date also petitioner was absent and this Court has recorded that if the petitioner would remain absent the Court will dispose of the writ petition on its own merit.

In the present case, petitioner has requested for adjustment of his absence against special leave whereas his absence has been adjusted under extraordinary leave.

Rule 178 of the Bihar Service Code deals with the circumstances for granting the special leave which can only be given in the event the employee claims on medical ground



whereas extraordinary leave having been explained in Rule 180 of the Bihar Service Code, there it has been mentioned that when no other leave is standing to his credit under these rules admissible, extraordinary leave may be granted. Such leave is not debited in the leave account. No leave salary is admissible during such leave.

Learned counsel for the State submits that petitioner will not come under the category of special leave but rightly respondent has adjusted his absence in extraordinary leave.

This Court feels that plea that has been taken by the State is fair and proper cannot be said to any way suffers from illegality.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

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