

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1462 of 2019

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Surendra Bhagat S/o Ramdeo Bhagat Vill.-Banauli,P.S.Simri,Dist.-Darbhanga
... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Chief Secretary Govt. of Bihar,Patna
2. The Chief Secretary Govt. of Bihar,Patna
3. The Principal Secretary, Department of Home, Govt. of Bihar,Patna
4. The Director General of Police, Bihar,Patna
5. The District Magistrate, Darbhanga
6. The Senior Superintendent of Police, Darbhanga
7. The Superintendent of Police, Darbhanga
8. The Officer-in-Charge of Simri P.S.-Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jay Prakash Singh, Adv.

For the Respondent/s : Mr.Prabhat Kumar Verma, AAG3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 24-01-2019

Heard learned counsel for the parties.

The petitioner prays for the following reliefs:

i. To constitute special cell/wing of police in the Darbhanga District as well as the state of Bihar with a duty to conduct a complete enquiry/antecedents of the aspirants who are seeking good character certificates from the Local Police Station in regard to getting passport or VISA, Character Certificates for the newly recruitment in the respective government offices so that a person having criminal history may not get recruitment in the civil/military services etc as well as the benefit of the Passport/VISA and further a direction be given to the Respondents to check the entry of person having criminal history in service or stopped them from getting the benefit of character certificate by suppressing their criminal history and also re-examined the character certificate had already been issued to the persons who had earlier obtained the service by suppressing the material fact from the appointing authority.

ii. For issuance of appropriate order or direction for taking legal action against the responsible officials who violated the rules/regulations/statutory provisions for issuing character certificates.

iii. For direction to respondent authorities to provide safety and security to the petitioner in the wake of raising



the issue on sensitive issues and apprehension of danger of his life.

iv. For any other order(s) or direction(s) for which the petitioner may be found legally entitled to in the facts and circumstances of the matter as stated hereinafter.

In the nature of issue raised in Public Interest, we are of the view that it is the State Government in its Department of Home to think of the ways and means to meet such situation where people of dubious character manage to obtain Visa, Caste Certification, Licence, Passport etc. In absence of any mechanism to maintain and/or provide such information in readiness and provide it on demand. Let the State to ponder over the issue and come up with solution but certainly, it cannot be a subject of judicial review.

Faced with our observations, Mr. Sanjay Kumar, learned counsel for the petitioner seeks leave to approach the concerned authorities in the State Government in its Home Department with the issue so raised herein. The choice is of the petitioner and if so advised he can take recourse thereto. No direction nor permission is needed in this regard.

The writ petition is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

