

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11992 of 2014

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Umesh Kumar Sinha son of Late Ram Kripal Rajak Resident of village -
Chakalma, P.S. Masaurhi, District - Patna At present Director, Forensic
Science Laboratory, Bailey Road, Patna ... Petitioner

Versus

1. The State Of Bihar through the chief Secretary , Government of bihar, Patna
 2. Principal Secretary, Department of Home, Government of Bihar, Old Secretariat, Patna
 3. Director General of Police, Govt. of Bihar, Old Secretariat, Patna
 4. Additional Director General of Police C.I.D. , Government of Bihar, Old Secretariat, Patna
 5. Under Secretary, Department of Home, Government of Bihar, Old Secretariat, Patna Respondents
- =====

Appearance :

For the Petitioner : Mr. Ranjay kr Patel, Advocate
For the Respondents : Mr. Tej Pratap Singh, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

The petitioner, claiming to be one of the senior most directors of the Forensic Science Laboratories (FSL) in India, has filed the writ petition seeking quashing of the rules framed on 26.3.2014 for appointment of Director in chief in the FSL, Patna on deputation or direct basis.

It is submitted that the prescription of the Ph.D. as a pre-requisite stands in the way of the petitioner's candidature though he has been working as a Director in the FSL, Patna from 31.3.2003. Other grounds have also been urged by the petitioner's counsel.

Counter affidavit has been filed by respondents State.



It is their specific stand that the Criminal Investigation Department on 13.10.2015 and 6.6.2016, i.e., during pendency of the writ petition, has sent a revised proposal to the Principal Secretary (Home) Police Department, Bihar, Patna to modify certain conditions so that the reputed and experienced officials working as Director in the State Forensic Science Laboratories or Central Forensic Science Laboratories may come within the zone of appointment on deputation. It is submitted that the said proposal is under active consideration of the Government. The prescription of the PHD as a pre-requisite has been supported by the State counsel submitting that prescribing the higher qualification is only to ensure that the distinguished and meritorious person having excellence in their field of work may be engaged. It is also submitted that the preference was to be given to those having their research work being published and not to curtail the eligibility of the petitioner.

Said submission regarding prescription of Ph.D. does not require any interference in view of the assertion regarding the revised proposal being under active consideration of the Government. This Court would notice that the writ petition is pre-mature at the moment inasmuch as what will be the exercise pursuant to the proposed revision is yet to be seen.



If the petitioner is aggrieved by the decision taken by the Home (Police) Department, Bihar upon the revised proposal dated 10.5.2015 and 6.6.2016 sent by the Criminal Investigation Department, it will be open for him to assail the same in duly constituted proceedings.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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