

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.778 of 2015

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Vinay Kumar Upadhyay Son of Dudhnath Upadhyay Resident of Mohalla-
North Nehru Nagar, P.S. Patliputra, District Patna.

... .. Petitioner

Versus

1. The State Of Bihar through the Home Secretary, Department of Home Police, Bihar, Patna
2. The Home Secretary, Department of Home Police, Bihar, Patna.
3. The Under Secretary, Ministerial Secretariat Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, Ministerial Secretariat Department, Govt. of Bihar, Patna.
5. The Additional Secretary, Home Police Department, Govt. of Bihar, Patna.
6. The Director General of Police, Bihar, Patna.
7. The Additional Director General of Police Adman., Bihar, Patna.
8. The Superintendent of Police, Supaul.
9. The Senior Superintendent of Police, Patna.
10. The Union of India through the Secretary, Ministry of Home Affairs, Govt. of India.
11. The Inspector General of Police, Headquarter, Administration, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan
For the State	:	Mr. Anirban Kundu SC 24
For Union of India	:	Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-02-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State as also the learned

Counsel appearing on behalf of Union of India..

This writ petition has been filed for setting aside letter dated 20.3.2014 by which proposal for President Medal for gallantry in favour of the petitioner has not been recommended by the Ministry of Home Affairs due to non issuance of integrity certificate of the petitioner.



The admitted position is that the Integrity Certificate was not issued in favour of the petitioner. The reasons are disputed by Counsel for the petitioner. The respondents have taken a specific stand that due to punishment being awarded to the petitioner in the year 2003, 2004 and 2007 as well as denial of promotion to the post of Sub Inspector, Integrity certificate could not be issued in favour of the petitioner.

The petitioner's Counsel disputes and denies the reason and submits that for extraneous consideration the Superintendent of Police Supaul has prevented issuance of Integrity Certificate in his favour leading to denial of the award to the petitioner. It is the submission of Counsel for the petitioner that the grievances raised in this regard before the DGP on 14.12.20012 (Annexure 7) has not been looked into.

The respondent State has placed reliance on a judgment of this Court in the case of ***Sanjeet Kumar Sinha vs. State of Bihar & ors*** passed in ***CWJC No. 18647 of 2013*** and submitted that since there is no legal right of getting President Police Medal for gallantry, the petitioner cannot resort to the writ jurisdiction of this Court seeking direction in this regard.

The objection is well taken. However this Court would observe that since the disputed question regarding



petitioner's eligibility was raised by the petitioner before the DGP Bihar on 14.12.2012 appropriate orders should have been passed thereon. Till date the same has not been done.

In view of the aforesaid facts and circumstances, the writ petition is disposed of. Director General of Police Bihar shall however look into the claim of the petitioner, made in Annexure 7, and dispose it of by a reasoned and speaking order within a period of three months from the date of receipt/production of a copy of this order.

The order passed by this Court should not be taken as expression of opinion on the issue in hand.

The writ petition is disposed of.

(Madhuresh Prasad, J.)

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