

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22434 of 2019

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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.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vinay Ranjan
For the Respondent/s : Mr. Ajay Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-01-2020 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The petitioner's grievance is that on account of non
submission of integrity certificate he has been deprived for
consideration for award of President's Gallantry Award.

The petitioner had earlier approached this Court in
CWJC No. 778 of 2015 raising a grievance that on account of
such non issuance of integrity certificate he was deprived of



consideration for award of President's Gallantry Award.

The respondents in the said proceeding had taken a stand that punishment was awarded to the petitioner in 2003, 2004 and 2007. Stand was taken that he was denied promotion to the post of Sub Inspector. On such grounds it was submitted on behalf of the State that integrity certificate could not be issued in favour of the petitioner.

Petitioner's Counsel referring to order passed by Director General of Police dated 12.3.2019 submits tat the said stand was incorrect in the earlier proceeding which is evident from the order passed by DGP now on 12.3.2019. Referring to the same he submits that the same only records one earlier punishment, that also minor punishment of censure against the petitioner.

Punishment of censure may/or may not be one of the relevant factors while recommending cases for grant of gallantry award.

This Court in the petitioner's earlier writ petition had accepted the objection raised by the State regarding enforceability of such claim in a writ proceedings. The relevant part of the order passed in the earlier writ proceeding is being reproduced herein:-



“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 spite of such observation in the earlier order the petitioner has again approached this Court raising the plea in respect of grant of President’s Medal of Gallantry. The relief prayed for therefore is not enforceable. The matter is best left to be considered by the authorities.

The writ application is dismissed.

(Madhuresh Prasad, J)

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