

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25732 of 2019

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Dharmendra Paswan, aged about 26 years, Son of Dinesh Paswan, resident of Village- 13 Math, Math Toi, Paharpur Toi, P.S. Sahdei Buzurg, District-Vaishali, presently posted as Constable in the District Force, Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Patna.
2. The Superintendent of Police, Khagaria.
3. The Bihar Police Men's Association, New Police Line, Patna through its General Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate
For the Respondent/s	:	Mr. H. S. Sundaram, AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the petitioner and learned
AC to SC 8 for the State.

2. The petitioner has moved the Court for the
following reliefs:

- “(i) *For issuance of writ in the nature of certiorari for quashing of the letter no. 723 dated 13-07-2019 issued by the Secretary General of the Bihar Police Men's Association whereby the petitioner has been expelled from the primary membership of the Association on the nonest ground not supported the relevant regulation.*
- (ii) *For issuance of writ in the nature of certiorari for quashing of letter no. 747 dated 30-07-2019 whereby the Executive Committee of Khagaria branch of the Association has been nominated by the Central Committee against clause 9 of the constitution of the Bihar Police Men's Association.*



- (iii) *For necessary direction upon the Police Headquarters, Bihar, Patna, to take necessary action in terms of letter no. 35 dated 06-09-2017 whereby it has been provided that it is the responsibility of the Police Headquarters to look into that the Association runs in accordance with the constitution and rules of the Association and it may not become the pocket Organization of few individuals. Further the Police Headquarters may be directed to take necessary action to set aside the order nominating the members of the Executive Committee of the District branch, Khagaria and the order of expulsion of the petitioner as the same is against the constitution and the rules of the Association.*
- (iv) *For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”*

3. Learned counsel for the petitioner submitted that his expulsion from the Bihar Police Men's Association (hereinafter referred to as the 'Association') is illegal and that the representation against such expulsion before the Director General of Police, Bihar, filed by the petitioner on 21.08.2019 is still pending. It was submitted that the Police Headquarters, Bihar, under letter no. 35 dated 06.09.2017 has specifically instructed the Police Headquarters to ensure that the Association is run in accordance with the relevant rules, provisions and regulations and that the same does not become the pocket Association of any person and further that it is not turned into a trade union. It was submitted that in such background, the



decision of the Association to expel the petitioner being against the provision of the concerned rules, the Director General of Police is required to intervene in the matter.

4. Learned counsel for the State submitted that overall control over the Association by the Police Headquarters would not mean interference in the decision of the Association. It was submitted that if any wrong or illegal decision is taken by the Association, at best, the Police Headquarters can either dissolve or supercede the Association, but interference in any decision taken by the Association cannot be made by the authorities.

5. Be that as it may, the Court deems it appropriate to direct the Director General of Police, Bihar, to pass a reasoned order on the representation filed by the petitioner, copy of which is annexed as Annexure-6 to the application. Let the same be done, if not already done, within six weeks from the date of production of a copy of this order before him.

6. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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