

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6910 of 2020

1. Surendra Mandal Son of Late Nunulal Mandal, Resident of Village- Isarain Kalan, Ward No. -3, P.S.- Kumarkhand, District- Madhepura.
2. Narayan Prasad Yadav, Son of Indeshwari Prasad Yadav, Resident of Village- Korlaha Tola, P.S.- Salkhua, District- Saharsa.
3. Suresh Kumar Mishra, Son of Umakant Mishra, Resident of Village- Dhurlakh, P.S. Samastipur Muffasil, District- Samastipur.
4. Md. Haidar Ali, Son of Md. Abdul Gaffar, Resident of Village- Phensaha, Ghordaur, P.S.- Salkhua, District- Saharsa.
5. Vijay Kumar Kisku, Son of Shaligram Kisku, Resident of Village- Pipradih, P.S. Belha, District- Banka.
6. Ramdhani Sah son of Chedi Sah Resident of village- Pokharia Sungtia, P.S.- Gopalpur, District- Bhagalpur.
7. Bhola Prasad Yadav son of Rambrit Yadav Resident of village- Tadpadh, P.S.- Dipnagar, District- Nalanda.
8. Nakul Kumar Rai son of Vashisth Rai Resident of village- Kalodehari, P.S.- Chauri, District- Bhojpur.
9. Madhusudan Sharma son of Sajjandhari Singh Resident of village- Ijarata, P.S.- Paliganj, District- Patna.
10. Simon Soreng son of Famcis Soreng Resident of village- Tukupani Gurgurchuan, P.S.- Tupudega, District- Simdega.
11. Ramchandra Yadav son of Mishrilal Yadav Resident of village- Khadipur, Sattar Panchgachiya, P.S.- Bihra, District- Saharsa.
12. Venkatesh Kumar son of Mukeshwar Singh Resident of village- Raghunathpur, P.S.- Khiri More, District- Patna.
13. Subodh Kumar son of Late Chandeshwar Singh Resident of village- Piariya, P.S.- Gaurichak, District- Patna.
14. Bikram Thakur son of Saryug Thakur Resident of village- Bilashpur, P.S. Raxaul, District- East Champaran.
15. Radheshyam Ray son of Ramaashre Ray Resident of village- Bhagvanpur Vaini, P.S.- Tajpur, District- Samastipur.
16. Mahesh Sharma son of Mithla Sharma Resident of village- Anandpur, P.S.- Bihta, District- Patna.
17. Pramod Kumar Singh son of Jatadhari Singh Resident of village- Parsawa, Karhata, P.S. and District- Gaya.
18. Birendra Kumar Singh son of Kedra Prasad Singh Resident of village- Karjan, P.S.- Athmalgola, District- Patna.
19. Suresh Prasad Yadav son of Gulab Prasad Yadav Resident of village- Bhairabpur, P.S.- Kumarkhand, District- Madhepura.
20. Manoj Kumar son of Lalan Singh Resident of Garhi Rampur, P.S.- Garhi Rampur, District- Munger.



21. Arun Kumar son of Basudev Prasad Yadav Resident of village- Manikpur, P.S. and District- Madhepura.
22. Shiv Chandra Paswan son of Devi Paswan Resident of village- Chakibrahim, P.S.- Bidupur, District- Vaishali.
23. Anil Kumar son of Anandi Singh Resident of village- Sahokhar, Saraia, P.S.- Sohsarai, District- Nalanda.
24. Md. Mustafa Khan son of Diwan Jamiluddin Khan Resident of village- Noghara, P.S.- Chainpur, District- Kaimur.
25. Bharat Prasad Yadav son of Baliram Yadav Resident of village- Banahin, P.S.- Banahijn, District- Bhojpur.
26. Shambhu Kumar Gupta son of Jaynarayan Gupta Resident of Jayprakash Nagar, Ward No- 6, P.S. and District- Madhepura.
27. Shyam Kumar Chhetry son of Late Nandraj Singh Resident of village- Bishardah, P.S.- Mithanpura, District- Muzaffarpur.
28. Lakshman Prasad Yadav son of Late Dukhi Prasad Yadav Resident of village- Gadhiya, P.S.- Bangaon, District- Saharsa.
29. Md. Sanif Uddin son of Late Md. Oumar Uddin Resident of village- Salimpur, Soturkhana, P.S.- Muffasil, District- Munger.
30. Niranjan Prasad son of Rajdev Ram Resident of village- Afzalpur tola, Mubarkpur, P.S. and District- Jehanabad.
31. Pramod Kumar Yadav son of Matvar Yadav Resident of village- Balahu, P.S. Darauhi, District- Siwan.
32. Dubraj Banra son of Soma Banra Resident of village- Tilopada, P.S.- Kharsawa, District- Saraikela, Jharkhand.
33. Nand Kumar Singh son of Mahanand Singh Resident of village- Mirganj Chatar, P.S.- Babhangawan, District- Bhojpur.
34. Rama Shankar Mishra son of Raghu Nandan Mishra Resident of village- Kabela, P.S.- Parbata, District- Khagaria.
35. Brahamdeo Paswan son of Siglas Paswan Resident of village- Raiyam, P.S.- Jhanjharpur, District- Madhubani.
36. Bigu Singh Yadav son of Hardev Singh Yadav Resident of village- Bhokhri, P.S.- Mohania, District- Kaimur.
37. Suresh Bhagat son of Sukhdeo Bhagat Resident of village- Pakauli, P.S.- Hajipur, District- Vaishali.
38. Ashok Kumar Singh son of Ramdev Singh Resident of village- Rajkrishnanagar, Khuthari, P.S.- Kahalgaon, District- Bhagalpur.
39. Kaptan Singh Yadav son of Shivmuni Singh Yadav Resident of village- Sherpur, P.S.- Mohammadabad, District- Ghazipur, U.P.
40. Maldev Singh son of Amiraka Singh Resident of village- Chando, P.S.- Chainpur, District- Palamu, Jharkhand.
41. Janmejaya Pandey son of Chandrama Pandey Resident of village- Mohaniya Shiusagar, P.S.- Shivsagar, District- Rohtas.
42. Krishna Kumar Singh son of Awadhesh Singh Resident of village-



Alawalpur, P.S.- Gaurichak, District- Patna.

43. Bir Singh Tiu son of Kundiya Tiu, Resident of village- Nakahasa kanki, P.S.- Chaibas, District- West Singhbhum, Jharkhand.
44. Raj Kumar Paswan son of Late Shaho Paswan Resident of village- Jhamtapar Jana, P.S. and District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director, General of Police, Patel Bhawan, Bailey Road, Patna, Bihar.
3. The Director General, Bihar Military Police, Patel Bhawan, Bailey Road, Patna, Bihar-cum- Chairman of the Committee.
4. The Inspector General of Police, Budget/ Appeal/ Welfare, Bihar, Patna.
5. The Inspector General of Police (Head Quarter), Patel Bhawan, Bailey Road, Patna, Bihar.
6. The Deputy General Inspector of Police, Bihar Military Police, Central Range, Patna.
7. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
8. The Commandant, Bihar Military Police- 12, Saharsa, IRB- 2 Camp, Katihar.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 1744 of 2020

1. Srikant Dubey, Son of Late Chandrama Dubey, Resident of Village-Lohadi, P.O. and P.S.-Savar, District-Kaimur, Bihar. Hawaldar No. 55 BMP-5.
2. Prem Shankar Singh, Son of Late Kedar Nath Singh, Resident of Village-Dharohi, P.O.-Chausa, P.S.-Buxar Muffasil, District-Buxar. Hawaldar No. 24 BMP-5.
3. Vijay Kumar Gupta, Son of Late Jagdish Sah, Resident of Mohalla-Near Rashtriya Jugde Railway Gumti, P.O. and P.S.-Phulwarisharif, District-Patna. Hawaldar No. 162 BMP-5.
4. Md. Shanaur Rahman, Son of Late Farukh Khan, Resident of Village-Jakhaura, P.O. Baghaoui, P.S.-Haspura, District-Aurangbad. Hawaldar No. 9 BMP-5.
5. Md. Sohail Akhtar, Son of Late Md. Gulam Rasool Khan, Resident of Village and P.O.-Dadhava, P.S.-Uphara, District-Aurangbad, Bihar. Hawaldar No. 58 BMP-5.
6. Md. Mashih Alam, Son of Late Md. Suleman, Resident of Village-Godargawa, P.O.-Rampuramtiyani, P.S.-Matihani, District-Begusarai. Hawaldar No. 137 BMP-5.
7. Maksud Khan, Son of Late Jawad Khan, Resident of Village-Rambal, P.O.-



- Tarighat, P.S.-Suhwal, District-Gazipur (U.P.). Hawaldar No. 60 BMP-5.
8. Ramjee Yadav, Son of Late Ramashraya Yadav, Resident of Village-Nandlal Dera, P.O.-Laxmidera, P.S.-Sahpura, District-Ara (Bhojpur). Hawaldar No. 159 BMP-5.
 9. Md. Naiyar Imam Khan, Son of Md. Shamim Khan, Resident of Village and P.O.-Bantara, Devkund, District-Aurangbad. Hawaldar No. 28 BMP-5.
 10. Sumant Rai, Son of Manru Ram, Resident of Village and P.O.-Kavilaspur, P.S.-Durgawati, District-Kaimur, Bhabhua. Hawaldar No. 151 BMP-5.
 11. Raj Bihari Singh, Son of Shri Ganesh Singh, Resident of Village-Ramobariya, P.O. Malriya, P.S. and District-Buxar. Hawaldar No. 206 BMP-5.
 12. Rampukar Yadav, Son of Vishnu Dev Yadav, Resident of Village and P.O.-Balua Bazar, P.S.-Guthani, District-Siwan. Hawaldar No. 100 BMP-5.
 13. Ram Singh Yadav, Son of Late Sudarshan Yadav, Resident of Village and P.O.-Balua Bazar, P.S. Guthni, District-Siwan. Hawaldar No. 189 BMP-5.
 14. Ashok Kumar, Son of Shri Hardev Singh, Resident of Village and P.O.-Pitambarpur, P.S.-Ghoshi, District-Jehanabad. Hawaldar No. 190 BMP-5.
 15. Sahjanand Ojha, Son of Shri Kashinath Ojha, Resident of Village-Kumhaila, P.O.-Sikti (Bhikham), P.S. Esuapur, District-Chhapra. Hawaldar No. 32 BMP-5.
 16. Ashok Kumar Jha, Son of Late Shaktinath Jha, Resident of Village and P.O.-BhithBhawanpur, P.S. Madhepur, District-Madhubani. Hawaldar No. 26 BMP-5.
 17. Kaleshwar Ram, Son of Late Parmeshwar Ram, Resident of Village and P.O.-Malikpura, P.S.-Garaul, District-Vaishali. Hawaldar No. 29 BMP-5.
 18. Gopal Thakur, Son of Shri Badri Thakur, Resident of Village-Charaun, P.O.-Nawagadhi, District-Munger. Hawaldar No. 110 BMP-5.
 19. Sher Mohammad Ansari, Son of Late Md. Aswash Ansari, Resident of Mohalla-Barahpathar, P.O. and P.S.-Dehri-on-Sone, District-Rohtas. Hawaldar No. 101 BMP-5.
 20. Jaiprakash Singh, Son of Late Gudri Singh, Resident of Village-Lalu Ke Dera, P.O.-Laxmi Ke Dera, P.S. Shahpur, District-Bhojpur (Ara). Hawaldar No. 135 BMP-5.
 21. Ram Parvesh Kumar, Son of Late Akhileshwar Singh, Resident of Village and P.O.-Bhano, P.S. Suryagadha, District-Lakhisarai. Hawaldar No. 12 BMP-5.
 22. Vijendra Prasad, Son of Late Ramanand Sao, Resident of Village and P.O. and P.S.-Parsa Bazar, District-Patna. Hawaldar No. 98 BMP-5.
 23. Ashok Rajak, Son of Late Bundel Rajak, Resident of Village and P.O.-Maulanachak, P.S.-Islampur, District-Nalanda, Hawaldar No. 71 BMP-5.
 24. Upendra Prasad Yadav, Son of Shri Ramdev Prasad, Resident of Village-Ubhanbiga, P.O.-Kukihar, P.S. Bajirganj, District-Gaya. Hawaldar No. 122 BMP-5.
 25. Vikash Pratap Singh, Son of Late Surendra Pratap Singh, Resident of Village



- and P.O.-Gadhbaruari, P.S. and District-Supaul. Hawaldar No. 120 BMP-5.
26. Jitendra Kumar, Son of Shri Mani Sharma, Resident of Village-Bhane Bigha, P.O. and P.S.-Makhdumpur, District-Jehanabad. Hawaldar No. 197 BMP-5.
 27. Kailash Das, Son of Late Liro Das, Resident of Village-Kauwakoli, P.O.-Nathnagar, P.S.-Madhusudanpur, District-Bhagalpur. Hawaldar No. 78 BMP-5.
 28. Md. Firoz Khan, Son of Late Md. Hafiz Khan, Resident of Village-Pirganj, P.O.-Thakhiha, P.S.-Kishanpur, District-Supaul. Hawaldar No. 152 BMP-5.
 29. Kailash Sharma, Son of Late Haridwar Thakur, Resident of Village-Chhoti Rukanpura (Mahuabag), P.O.-Veterinary College, P.S.-Hawaiadda, District-Patna. Hawaldar No. 211 BMP-5.
 30. Nand Jee Singh, Son of Late Sukhdev Singh, Resident of Village-Turti, P.O.-Munji, P.S. Vikramganj, District-Rohtas. Hawaldar No. 69 BMP-5.
 31. Ashok Kumar Singh, Son of Late Raj Narayan Singh, Resident of Village-Hasanpur, P.O. and P.S.-Shahjehanapur, District-Patna. Hawaldar No. 68 BMP-5.
 32. Tulendra Kumar, Son of Deep Narayan Yadav, Resident of Village-Jumwaha, P.O. Korwahi, P.S.-Kumar Khand, District-Madhepura. Hawaldar No. 198 BMP-5.
 33. Manjoor Alam, Son of Late Kadir Alam, Resident of Village and P.O.-Aahilwara, P.S. Biraul, District-Darbhanga. Hawaldar No. 63 BMP-5.
 34. Manindra Prasad Singh, Son of Late Ramji Singh, Resident of Village and P.O.-Mohabbat Parsa, P.S.-Rivilganj, District-Chhapra. Hawaldar No. 08 BMP-5.
 35. Ramesh Singh, Son of Late Ram Surat Singh, Resident of Village-Ramval, P.O.-Tarighat, P.O.-Suhwal, District-Gazipur U.P. Hawaldar No. 207 BMP-5.
 36. Pancham Kumar Poddar, Son of Late Jagdish Poddar, Resident of Village and P.O. and P.S.-Khatarra, District-Katihar. Hawaldar No. 23 BMP-5.
 37. Mahesh Kumar Sharma, Son of Shri Mahendra Sharma, Resident of Village-Bhabhan Bigha, P.O.-Sarta, P.S.-Parasbigha, District-Jehanabad. Hawaldar No. 87 BMP-5.
 38. Upendra Singh, Son of Shri Nageshwar Singh, Resident of Village-Kalaund, P.O.-Haspur, P.S.-Akbarpur, District-Nawada. Hawaldar No. 142 BMP-5.
 39. Arvind Kumar, Son of Late Dindayal Pal, Resident of Village-Rajpura, P.O.-Hrdiyachak, P.S.-Kaler, District-Arwal. Hawaldar No. 44 BMP-5.
 40. Paras Ram, Son of Late Ramaji Ram, Resident of Village-Kukurbhuka, P.O.-Don, P.S. Darauli, District-Siwan. Hawaldar No. 48 BMP-5.
 41. Sudhir Kumar, Son of Late Garbhu Tiwari, Resident of Village and P.O. and P.S.-Pandarak, District-Patna. Hawaldar No. 103 BMP-5.
 42. Ajay Kumar Srivastava, Son of Late Barmeshwar Lal, Resident of Village and P.O.-Gaighat, Via-Brahmapur, P.S.-Brahmapur, District-Buxar. Hawaldar No. 67 BMP-5.
 43. Raj Kishore Mandal, Son of Late Brahmdev Mandal, Resident of Village-



- Usri, P.O. and P.S.-Gogri, District-Khagariya. Hawaldar No. 30 BMP-5.
44. Krishna Singh, Son of Shri Kamla Singh, Resident of Village-Dauriyari, P.O.-Jamauri, P.S.-Tarari, District-Bhojpur. Hawaldar No. 187 BMP-5.
 45. Sanjay Kumar, Son of Late Rambalak Kunwar, Resident of Village-Kaithbha, P.O.-Badalpur, District-Begusarai. Hawaldar No. 17 BMP-5.
 46. Vibhuti Sangahi, Son of Late Indradev Sangahi, Resident of Village and P.O.-Nayagaon, P.S.-Parwata, District-Khagariya, Hawaldar No. 53 BMP-5.
 47. Dineshwar Prasad Singh, Son of Ramvachan Singh, Resident of Village-Patanva, P.O. Samardiha, P.S.-Sasaram, District-Rohtas. Hawaldar No. 181 BMP-5.
 48. Sudhakar Jha, Son of Late Modanarayan Jha, Resident of Village and P.O.-Kavela, P.S.-Parwatta, District-Khagariya. Hawaldar No. 35 BMP-5.
 49. Krishnandan Paswan, Son of Late Chandra Paswan, Resident of Village-Bela, P.O. Chiksi, P.S.-Sigori, District-Patna. Hawaldar No. 77 BMP-5.
 50. Rambabu Chaudhari, Son of Late Prabhu Chaudhary, Resident of Village and P.O. and P.S.-Koilar, District-Bhojpur, Ara. Hawaldar No. 76 BMP-5.
 51. Ashok Chandra Dwivedi, Son of Late Vishwanath Tiwari, Resident of Village-Badhuana, P.O. Kanhaiyaganj, P.S.-Telhara, District-Nalanda. Hawaldar No. 205 BMP-5.
 52. Parma Ram Harijan, Son of Shri Ganesh Ram, Resident of Village and P.O.-Sarawe, P.S. Muffasil, Siwan, District-Siwan. Hawaldar No. 64 BMP-5.
 53. Md. Ehtasam Khan, Son of Late Daud Khan, Resident of Village and P.O.-Mahendra, P.S.-Karimuddinpur, District-Gazipur (U.P.). Hawaldar No. 39 BMP-5.
 54. Lalan Rai, Son of Late Sukhari Rai, Resident of Village-Faridpur, P.O.-Bhadaura, P.S.-Dildar Nagar, District-Gazipur (U.P.). Hawaldar No. 84 BMP-5.
 55. Arvind Kumar Thakur, Son of Late Bijli Thakur, Resident of Village-Rajshahpur Inichar, P.O. Danauli, Phulwariya, P.S.-Muffasil, District-Begusarai. Hawaldar No. 140 BMP-5.
 56. Baijnath Singh, Son of late Bhuwali Singh, Resident of Village-Bara Basantpur, P.S. Ara Muffasil, P.O.-Daulatpur, District-Bhojpur Ara. Hawaldar No. 14 BMP-5.
 57. Umesh Prasad Singh, Son of Shri Ramchandra Singh, Resident of Village-Rajpur, P.O. Jaunapur, P.S.-Shahpur, Patori, District-Samastipur. Hawaldar No. 37 BMP-5.
 58. Sanjay Kumar Singh, Son of Late Hridayanand Singh, Resident of Village-Kakan Bigha, P.O. Maniach, P.S.-Pawana, District-Bhojpur (Ara). Hawaldar No. 200 BMP-5.
 59. Raj Kapoor Mahto, Son of Shri Durlabh Mahto, Resident of Village and P.O.-Sataki, P.S.-Angara, District-Ranchi (Jharkhand). Hawaldar No. 83 BMP-5.
 60. Ramakant Upadhyay, Son of Late Kedar Upadhyay, Resident of Village-Sakash, P.O.-Sikaria, P.S. Darigaon, District-Rohtas. Hawaldar No. 07 BMP-5.



61. Shahnawaz Khan, Son of Late Bismilah Khan, Resident of Village and P.O.- Rakshaha, P.S.-Dildarnagar, District-Gazipur (U.P.). Hawaldar No. 27 BMP-5.
62. Shambhu Prasad, Son of Late Chandradeep Rai, Resident of Village-Sabalpur, Gulamahiyachak, P.O.-Sabalpur, P.S.-Nadithana, Mojipur, District-Patna. Hawaldar No. 213 BMP-5.
63. Chaturgun Rai, Son of Late Ramnaresh Rai, Resident of Village-Teladh (Prema Rai Ke Tola), P.O. and P.S.-Agiyanw Bazar, District-Bhojpur. Hawaldar No. 65 BMP-5.
64. Shri Krishna Dubey, Son of Late Jaglal Dubey, Resident of Village-Milki, P.O.-Chunni, P.S.-Buxar Muffasil, District-Buxar. Hawaldar No 21 BMP-5.
65. Mahesh Yadav, Son of Late Garib Yadav, Resident of Village-Barahpur, P.O.-Bhor, P.S.-Mokama, District-Patna. Hawaldar No. 86 BMP-5.
66. Suresh Sharma, Son of Late Palak Singh, Resident of Village-Bhelawar, P.O. Tezbiga, P.S.-Kako, District-Jehanabad. Hawaldar No. 97 BMP-5.
67. Faizuddin Siddiqui, Son of Md. Anuddin Siddiqui, Resident of Village-Phuli, Via-Jamaniya, District Gajipur (U.P.) Hawaldar No. 02 BMP-5.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Patel Bhawan, Bailey Road, Patna, Bihar.
3. The Director General, Bihar Military Police, Patel Bhawan, Bailey Road, Patna, Bihar-cum-Chairman of the Committee.
4. The Inspector General of Police, Budge/Appeal/Welfare, Bihar, Patna.
5. The Inspector General of Police (Head Quarter), Patel Bhawan, Bailey Road, Patna, Bihar.
6. The Deputy General Inspector of Police, Bihar Military Police, Central Range, Patna.
7. The Principal Secretary, Finance Department, Government of Bihar, Patna.
8. Commandant, Bihar Military Police-5, Patna-800014.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 7117 of 2020

1. Shiv Charan Singh son of Ganesh Singh Resident of village- Chokiyan, Purana Bhojpur, P.S.- Brahampur, District- Buxar.
2. Ramashish Sah son of Late Biranchi Sah Resident of village- Pachrukhi, P.S.- Belhar, District- Banka.
3. Munilal Besra son of Late Munshi Besra Resident of village- Oli tola Chunapur, P.S.- K. Hat, District- Purnea.



4. Rambabu Bhagat son of Late Kamal Bhagat Resident of village- Fatua, Pakaria, P.S.- Pakaria, District- East Champaran.
5. Md. Shamsheer Ali Khan son of Md. Salawdin Khan Resident of village- Ranisagar, P.S. and District- Bhojpur.
6. Satyanand Tiwari son of Jaymangal Tiwari Resident of village- Mehrauli, P.S. and District- Saran.
7. Md. Alijan Khan son of Ismael Khan Resident of village- Tukupani Gurgurchuan, P.S.- Tupudega, District- Simdega, Jharkhand.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director, General of Police, Patel Bhawan, Bailey Road, Patna, Bihar.
3. The Director General, Bihar Military Police, Patel Bhawan, Bailey Road Patna, Bihar-cum- Chairman of the Committee.
4. The Inspector General of Police, Budget/ Appeal/ Welfare, Bihar, Patna.
5. The Inspector General of Police (Head Quarter), Patel Bhawan, Bailey Road, Patna, Bihar.
6. The Deputy General Inspector of Police, Bihar Military Police, Central Range, Patna.
7. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
8. The Commandant, Bihar Military Police- 8, Camp, Katihar.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 7255 of 2020

Anandi Rajak Son of Kulo Rajak Resident of Tetarhar Nongarh, Ramgarh Chowk, P.S. and District- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police Patel Bhawan, Bailey Road, Patna, Bihar.
3. The Director General Bihar Military Police, Patel Bhawan, Bailey Road, Patna, Bihar-cum- Chairman of the Committee.
4. The Inspector General of Police Budget/Appeal/ Welfare, Bihar, Patna.
5. The Inspector General of Police (Head Quarter) Patel Bhawan, Bailey Road, Patna, Bihar.
6. The Deputy Inspector General of Police Bihar Military Police, Central Range, Patna.



7. The Principal Secretary Finance Department, Govt. of Bihar, Patna.
8. The Commandant Bihar Military Police-8, Begusarai, Post office- Barauni Refinery, District- Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8050 of 2020

1. Pampal Kumar Singh Son of Surendra Singh Resident of Village- Bijrukh, P.S.- Athmalgola, District- Patna.
2. Naresh Ram Son of Parikha Ram Resident of Village- Bihta Harijan Tola, P.S.- Bihta, District- Patna.
3. Suman Mishra Son of Chandra Bhushan Mishra Resident of Village- Mangalwar, P.S.- Bhargama, District- Araria.
4. Krishna Kant Kumar Son of Subedar Sah Resident of Village- New Bazar, P.S.- Mehandia, District- Arwal.
5. Ram Bilash Rajak Son of Puran Rajak Resident of Village- Ghaushpur, Kusmaha, P.S.- Shambhuganj, District- Banka.
6. Arun Kumar Singh Son of Purushotam Singh Resident of Village- Barwa, P.S.- Lakhora, District- East Champaran.
7. Satyendra Kumar Son of Late Nathuni Mahto Resident of Village- Shivanagar, P.S.- Kasim Bazar, District- Munger.
8. Bed Narayan Singh Son of Ramlayak Singh Resident of Village- Sarna, P.S.- Shahpur, District- Bhojpur.
9. Rana Pratap Singh Son of Suryapal Singh Resident of Village- Kathar Arak, P.S.- Krishan Braham and District- Buxar.
10. Ravi Ranjan Kumar Singh Son of Ram Yadik Singh Resident of Village- Jonha, P.S.- Karpi, District- Arwal.
11. Raj Kumar Ram Son of Awadh Bihar Ram Resident of Village- Baheri, P.S.- and District- Kaimur.
12. Balam Sharma Son of Kunkun Sharma Resident of Gandhinagar, P.S.- Masaurhi, District- Patna.
13. Ashok Singh Kuntia Son of Sursingh Kuntia Resident of Village- Harira, P.S.- Tonto Dalki, District- West Singhbhum, Jharkhand.
14. Janju Kisku Son of Baiju Kisku Resident of Kirdayganj, Ward No.-6, P.S.- Hirdayganj, District- Katihar.
15. Sukdev Pandit Son of Ganesh Pandit Resident of Village- Kurman, P.S.- and District- Godda, Jharkhand.
16. Md. Jawaid Khan Son of Md. Zamin Ali Khan Resident of Village- Tajpur Kurrah, P.S.- Dildar Nagar, District- Ghazipur, (U.P.)

... .. Petitioners

Versus



1. The State of Bihar Through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police Bihar. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
3. The Director General Bihar Military Police, Bihar- cum- Chairman of the Committee. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
4. The Inspector General of Police Budget/ Appeal/ Welfare, Bihar, Patna. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
5. The Inspector General of Police (Head Quarter) Bihar. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
6. The Deputy Inspector General of Police Bihar Military Police, Central Range, Patna. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
7. The Principal Secretary Finance Department, Govt. of Bihar, Patna.
8. The Commandant Bihar Military Police-12, Saharsa, IRB-2, Battalion Headquarter at Bhimnagar, Birpur, District- Supaul.

... .. Respondents

with
Civil Writ Jurisdiction Case No. 8065 of 2020

1. Ashok Kumar Yadav Son of Upendra Prasad Yadav Resident of Shivpuri Hakpara, Ward No.- 14, P.S. and District- Saharsa.
2. Rajendra Prasad Yadav Son of Mulhay Yadav Resident of Village- Mamlakha, P.S.- Sabaur, District- Bhagalpur.
3. Jitendra Kumar Singh Son of Ram Prakash Singh Resident of Village- Jagdishpur, P.S.- Konch, District- Gaya.
4. Dinesh Paswan Son of Late Dudh Raj Paswan Resident of Village- Vishanupur Parwa, P.S.- Murliganj, District- Madhepura.
5. Ajay Kumar Son of Late Dwarika Prasad Singh Resident of Village- Katra, P.S.- Bhagwan Bazar, District- Chapra.
6. Awadhesh Kumar Pandey Son of Paras Nath Pandey Resident of Village- Thakraha, P.S.- Thakraha, District- West Champaran.
7. Bir Bahadur Ram Son of Jagdish Ram Resident of Village- Chhota Sasaram, P.S. and District- Bhojpur.
8. Rabindra Nath Singh Son of Dinesh Singh Resident of Village- Ramobariya, P.S. and District- Buxar.
9. Ram Balak Sah Son of Bhagwat Sah Resident of Village- Sidhap Kalan, P.S. and District- Madhubani.
10. Krishnadeo Paswan Son of Chhedi Paswan Resident of Village- Bishnupur Navtol, P.S.- Murliganj, District- Madhepura.
11. Maksud Khan Son of Makbul Ahmad Khan Resident of Ward No.-2 Maura,



P.S.- Karimuddinpur, District- Ghazipur, U.P.

12. Sheikh Salimuddin Son of Sheikh Sagir Resident of Village- Babhanaul, P.S.- Dawath, District- Rohtas.
13. Alok Paswan Son of Sukhu Paswan Resident of Village and P.S.- Nagarnausa Korari, District- Nalanda.
14. Rajesh Bhengra Son of Junas Bhengra Resident of Sundari, Pakar Toli, P.S.- Torpa, District- Khunti, Jharkhand.
15. Bharat Prasad Singh Son of Late Indradeo Singh Resident of Village- Chero, P.S.- Chero, District- Nalanda.
16. Bhuvneshwar Mandal Son of Nakchhedi Mandal Resident of Village- Narpatganj, P.S.- Narpatganj, District- Araria.
17. Arun Paswan Son of Shivdani Paswan Resident of Village- Itawan, P.S.- Barh, District- Patna.
18. Ganesh Jha Son of Gauri Kant Jha Resident of Village- Mahishi, Ward No. -16, P.S.- Mahishi, District- Saharsa.
19. Parmanand Chaudhary Son of Late Raghunath Chaudhary Resident of Village- Matiyaria, P.S.- Turkaulia, District- East Champaran.

... .. Petitioners

Versus

1. The State of Bihar Through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police Bihar. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
3. The Director General Bihar Military Police, Bihar-cum- Chairman of the Committee. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
4. The Inspector General of Police Budget/Appeal/Welfare, Bihar, Patna. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
5. The Inspector General of Police (Head Quarter) Bihar, having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
6. The Deputy Inspector General of Police Bihar Military Police, Central Range, Patna. having office at Police Headquarter, Patel Bhawan, Baily Road, Patna.
7. The Principal Secretary Finance Department, Govt. of Bihar, Patna.
8. The Commandant Bihar Military Police-12, Saharsa, IRB-2, Battalion Headquarter at Bhimnagar, Birpur, District- Supaul.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 6910 of 2020)

For the Petitioners : Mr. Abhay Shankar Singh, Advocate

For the Respondents : Mr. Manjo Kumar Sinha, AC to GA 9

(In Civil Writ Jurisdiction Case No. 1744 of 2020)

For the Petitioners : Mr. Y.V. Giri, Sr, Advocate



For the Respondents : Mr.Pranav Kumar, Advocate
Mr.Manish Kumar (GP4)
Mr. Ajay Kumar, AC to GP 4
(In Civil Writ Jurisdiction Case No. 7117 of 2020)
For the Petitioner : Mr.Abhay Shankar Singh, Advocate
For the Respondents : Mr.Lalit Kishore (AG)
(In Civil Writ Jurisdiction Case No. 7255 of 2020)
For the Petitioners : Mr. Abhay Shankar Singh, Advocate
For the Respondents : Mr. P.K.Verma, AAG 3
Mr. Sanjay Kumar Ghosarvey, AC to AAG 3
(In Civil Writ Jurisdiction Case No. 8050 of 2020)
For the Petitioners : Mr.Abhay Shankar Singh, Advocate
For the Respondents : Mr.Lalit Kishore (AG)
(In Civil Writ Jurisdiction Case No. 8065 of 2020)
For the Petitioners : Mr.Abhay Shankar Singh, Advocate
For the Respondents : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 16-04-2021

Since all these writ applications involve an identical issue, they have been heard together and are being disposed of by this common judgment.

Mr. Abhay Shankar Singh, learned counsel appearing on behalf of the petitioners of all these writ applications, except CWJC No. 1744 of 2020, would submit that the petitioners were granted the benefit of ACP with an open eye by the respondents and after long duration of granting such benefit of ACP, they have become wise and took decision to not only nullify the benefit granted to the petitioners recalling the benefit of ACP but also decided to recover the amount allegedly paid in excess to the entitlement of the petitioners notwithstanding the fact that there was no misrepresentation or fraud practiced by these petitioners.



Mr. Y.V. Giri, learned senior counsel appearing on behalf of the petitioners of CWJC No. 1744 of 2020, has made exhaustive submissions. He referred to Annexure-16, the chart prepared by the petitioners, to demonstrate that the petitioners were granted first ACP in 2008 and thereafter second ACP was granted to them in 2010 to 2013. Mr. Giri with reference to the chart submitted that the petitioners were treated as literate constables and as such they were granted benefit of first ACP in the pay scale of ASI and in the pay-scale of SI at the time of grant of second ACP. He submits that the pay scale of literate constable with other Sepoy was the same and the petitioners were holding qualification of matriculate which was equivalent to qualification of the literate constable and the respondents have treated the petitioners as literate constables in the matter of grant of the benefit of ACP as literate constable and there was no misrepresentation or fraud committed by the petitioners. He submits with reference to the decisions of this Court contained in Annexures 7 and 12 to contend that twice the matter was considered by this Court and the respondents were directed to take fresh decision particularly on the issue of recovery part. Mr. Giri learned senior counsel submits that the impugned orders as contained in Annexures 14 and 15 in CWJC No.1744 of 2020



are bad in law as the direction issued by this Court in Annexure-12 was not considered in proper perspective particularly the recovery part.

The Court has perused the impugned orders. The promotional post of constable is Havildar and ASI is further promotional post of Havildar. In the instant case, the petitioners, who were appointed as constables, were entitled to first ACP in the pay scale of Havildar i.e. Rs. 3200-4900 and second ACP for the post of ASI in the pay scale of Rs.4000-6000 but the petitioners were granted first ACP in the pay scale of Rs.4000-6000 and Rs.5500-9000, the respective pay scale of ASI and SI.

Mr. Giri Submits that since the respondents have treated these petitioners who were qualified for grant of ACP and as such they have been granted the benefit of first ACP in the pay scale of ASI and second ACP in the pay scale of SI and the action of the respondents in downgrading the pay scale is unwarranted. He submits that the petitioners have been paid the pay-scale in terms of grant of first ACP and second ACP and as such they are entitled to pay protection and any decision of the respondents to reduce the pay scale is impermissible and unsustainable.

Per contra, learned counsel appearing on behalf of the



respondents submits that the order granting first ACP and second ACP to the petitioners was very specific and payment of pay-scale is provisional, is open to correction if it is found impermissible.

Mr. Giri in the last limb of arguments submits that the action of the respondents in directing the recovery of the amount is impermissible. He relied upon the decision of the Apex Court in the case of Syed Abdul Qadir & others Vs. State of Bihar & others reported in [(2009)3 Supreme Court Cases 475]. For ready reference, paragraphs 57 and 58 of the judgment are quoted hereinbelow:-

“57. This Court, in a catena of decisions, has granted relief against recovery of excess payment of emoluments/allowances if (a) the excess amount was not paid on account of any misrepresentation or fraud on the part of the employee and (b) if such excess payment was made by the employer by applying a wrong principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order, which is subsequently found to be erroneous.

58. The relief against recovery is granted by courts not because of any right in the employees, but in equity, exercising judicial discretion to relieve the employees from the hardship that will be caused if recovery is ordered. But, if in a given case, it is proved that the employee had knowledge that the payment received was in excess of what was due or wrongly paid, or in cases where the error is detected or corrected within a short time of wrong payment, the matter being in the realm of judicial discretion, courts may, on the facts and circumstances of any



particular case, order for recovery of the amount paid in excess. See Sahib Ram vs. State of Haryana, 1995 Supp. (1) SCC 18, Shyam Babu Verma vs. Union of India, [1994] 2 SCC 521; Union of India vs. M. Bhaskar, [1996] 4 SCC 416; V. Ganga Ram vs. Director, [1997] 6 SCC 139; Col. B.J. Akkara [Retd.] vs. Government of India & Ors. (2006) 11 SCC 709; Purshottam Lal Das & Ors., vs. State of Bihar, [2006] 11 SCC 492; Punjab National Bank & Ors. Vs. Manjeet Singh & Anr., [2006] 8 SCC 647; and Bihar State Electricity Board Vs. Bijay Bahadur & [2000] 10 SCC 99.

Mr. Giri submits that in the case of absence of misrepresentation or fraud, recovery is impermissible. He also referred to the judgment of the Apex Court in the case of State of Punjab Bank & others Vs. Rafiq Masih (White Washer) and others reported in [(2015) 4 SCC 334] to contend that any decision to recover the amount paid to any employee after five years is impermissible. He with reference to the case of State of Punjab Bank & others Vs. Rafiq Masih (White Washer) (supra) submits that first ACP was granted to the petitioners way back in 2008 and as such after five long years, any recovery of the amount paid to the petitioners in terms of first ACP is unsustainable particularly when in 2010 onwards they have been granted second ACP in the pay scale of SI if it is corrected as ASI and then from 2010 onwards petitioners were entitled to pay scale of ASI i.e. 4000-6000 and as such, no recovery is



permissible after 2010. The issue thereafter remains only with regard to grant of excess pay scale of Rs.5500-9000 instead of Rs.4000-6000.

Learned counsel appearing on behalf of the respondents referred to a decision of the Apex Court in the case of High Court of Punjab & Haryana & others Vs. Jagdev Singh reported [2016(4) PLJR (SC) 78] to contend that recovery is permissible because ACP was conditional one and if it found that there is any error in granting such benefit, the same is open to correction. In view of the conditional order granting ACP, the action of the respondents in recovering the excess amount is quite justified and lawful. He submits that so far second ACP is concerned, the same was granted in 2010 to 2013 and action for recovery was taken on 04.07.2017. As per the standard of the Apex Court indicated in the decision reported in [(2009)3 Supreme Court Cases 475], recovery, so far as excess payment made to the petitioners in terms of second ACP is concerned, is permissible and justified.

After hearing parties and considering the rival contentions of the petitioners and the respondents, the Court finds that the benefit of ACP to a constable in terms of ACP Rules is permissible in pay scale of Havildar (first ACP) and SI



(second ACP) and not ASI and SI which was wrongly granted to the petitioners and, therefore, the Court does not find any error in the decision of the respondents determining the entitlement of the petitioners for grant of first ACP in the pay scale of Havildar and ASI in second ACP. So far recovery part is concerned, writ petitioners are already in job and they have not retired. However, the Court finds substance in the submission of Mr. Giri. Equity demands that action of the respondents should be tested whereas upon action or belated action. Respondents should have taken decision within reasonable time and not after inordinate delay as highlighted by the Apex Court in the decision of Syed Abdul Qadir & others Vs. State of Bihar & others (supra). The Court is of the considered view that any action of the respondents for recovery on detecting their mistake or after delay of approximately ten years is impermissible. In case where the order granting benefit of ACP is conditional one, there cannot be any hard and fast rule of five years for correction of the order but nonetheless the action of the respondents in rectifying mistake in absence of fraud or misrepresentation may be taken at the earliest and not at the fag end of service or after delay of approximately ten years.

In the peculiar facts and circumstances of the case,



while upholding the decision of the respondents reducing the entitlement of the petitioners the benefit of ACP in place of ASI to Havildar and SI to ASI, the Court directs that so far as grant of first ACP is concerned, it was allowed for nearly nine long years without any demur and as such, the Court, in the facts and circumstances of the case, is inclined to accept the contention of Mr. Giri that there shall be no recovery of benefit granted to the petitioners as ACP in the pay scale of ASI instead of Havildar i.e. there shall be no recovery from the pay scale already granted from 2008 to 2010 as thereafter they have been granted second ACP in the pay scale of ASI and thus, after 2010 there was no question of recovery of any amount for grant of first ACP.

So far as second ACP is concerned, the Court finds that the action was taken by the respondents within a period of five years or maximum period of seven years, in that situation, the Court is of the view that respondents may be justified in recovering that amount in easy installment so that the petitioners may not face economic hardship on account of the recovery of excess amount as benefit was extended to them in monthly pay scale and as such the respondents have to work out easy installment so that it may not cause hardship to the petitioners.

In the result, these writ applications are partly



allowed to the extent that so far as benefit of first ACP is concerned, benefit of first ACP should be reduced but there shall not be any recovery of amount paid to the petitioners. The benefit of second ACP granted to the petitioners may be recovered by the respondents in easy installments and the respondents are directed to fix entitlement of the petitioners in the first ACP and second ACP as constable and not literate constable in the pay scale of Havildar and ASI from the respective date of their entitlements. Corrective measures may be taken by the respondents at the earliest preferably within a period of three months from the date of receipt/production of a copy of this judgment.

With the aforesaid, all these writ applications are partly allowed and disposed of in the manner indicated above.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.05.2021
Transmission Date	N.A.

