

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.550 of 2022

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Jitendra Kumar, Gender- Male, Aged about 25 years, Son of Late Bajarangi Singh Resident of Village- Manjhauli, Police Station- Bikram in the district of Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The Deputy Inspector General of Police, Bihar Special Armed Police (Kaa.Ma.), Range, Patna.
4. The Commandant, Bihar Special Armed Police- 5, Patna.
5. The Commandant, Bihar Military Police- 5 (B.M.P.- 5), Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Adv.
For the State : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 03-11-2022 Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner is permitted to implead the Director General of Police, Bihar, Patna, as Respondent No-6 to the writ petition, during course of the day.

3. Learned counsel for the State has raised an objection regarding the writ application having been filed without availing the remedy of memorial since the petitioner, admittedly, is a constable and he has a remedy against the order of the Appellate Authority by preferring a memorial.

4. Learned counsel for the petitioner submits that



there are several infirmities in the procedure adopted by the Authorities, including non-supply of Enquiry Report. He submits that he can raise the issue in memorial, however, now he is likely to meet with the issue of delay.

5. In view of the above noted submissions, this Court would dispose of the writ application, observing that if the petitioner files his memorial within a period of three (03) weeks, then the same is to be disposed of on its merit by a reasoned and speaking order, by the Director General of Police (Respondent No.6) without raising the issue of delay, in view of pendency of the instant writ proceedings. The petitioner's memorial must be brought to its logical conclusion within a period of eight (08) weeks from the date of filing of the memorial.

6. Writ petition stands disposed of.

(Madhuresh Prasad, J)

Raj kishore/-

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