

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15732 of 2016

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Kanti Devi @ Kamti Devi W/o Lalit Kumar Ravidas R/o Naya Buxar, P.S. Buxar, District - Buxar at Present resident of Kishanganj, P.S. and District Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Home Commissioner, Department of Home, Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Darbhanga Region, Darbhanga
5. The Deputy Inspector General of Police, Purnea Region, Purnea.

.....Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 20-04-2022

None appears for the respondents.

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For issuance of an appropriate writ/order/direction to quash the order bearing Memo No.598 dated 28.05.2007 passed by Deputy Inspector General of Police, Purnea Region, Purnea by which the petitioner was dismissed from her service of the post of Assistant Police Inspector.

(ii) For issuance of an appropriate writ/order/direction to the respondent to take proper action on the guidelines of the I.G. Darbhanga



Region, Darbhanga in which para-wise reply was cal for on the application of the petitioner wing after her acquittal from the criminal charges as well as for the acquittal

(iii) For issuance of an appropriate writ/order/direction to reinstate the petitioner in those service on the ground that the dismissal order now becomes based on non existing facts as the petitioner has been acquitted from criminal charges on merit.”

Before filing the present petition, petitioner has invoked the remedy of appeal before the appellate authority on 05.01.2015 (Annexure-5) against the order dated 28.05.2007 and petitioner's appeal is pending consideration.

On the other hand, in para 13 of the present petition, the petitioner has stated as under:-

“13. That there has no alternative equally efficacious remedy except by way of writ before this Hon'ble Court.”

The petitioner has already invoked remedy of appeal it is pending consideration. The aforesaid submission in the present petition is contrary to conduct of the petitioner.

In the light of these facts and circumstances, the present petition stands dismissed as premature since petitioner has already invoked remedy of appeal before the appellate authority, the appellate authority is hereby directed to examine the petitioner's appeal



dated 05.01.2015 (Annexure-5) and the same shall be decided in accordance with law including delay issue within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, J)

Vikash/-

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

