

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12648 of 2018

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Mahavir Paswan Son of Late Baldev Paswan, Resident of Village- Mangia
Dharampur, P.O.- Harka Mansahi, P.S.- 1 Siwaipatti, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Home Secretary, Government of Bihar, Patna.
3. The D.G.P. cum I.G. of Police, Bihar, Patna.
4. The D.I.G. of Police Munger Range, Munger.
5. The Superintendent of Police, Begusarai.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Rajeev Ranjan with Ms. Bela Singh, Advocates.
For the State	:	Mr. Sheo Shankar Prasad- SC 8 with Mr. Anil Kumar, AC to SC8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Since the fact of overstaying of leave on 26 occasions is not in dispute, the petitioner is claiming parity in the matter of grant of punishment based on Annexure-8 being an order passed in respect of one Surendra Manjhi, the writ application need not be kept pending.

The submission of the petitioner's counsel is that constable Surendra Manjhi, as per the order dated 11-02-2009 passed by the Deputy Inspector General of Police, Munger Range, as contained in Annexure-8 to the writ petition, has



overstayed leave on 29 occasions, but has been visited with the punishment of compulsory retirement whereas petitioner having overstayed leave on 26 instances has been visited with punishment of dismissal. Claiming parity in grant of punishment, it is submitted by the petitioner's counsel that the authorities cannot be permitted to discriminate in the matter of grant of punishment. In fact, the petitioner's case, admittedly, being that of 26 instances of overstayal, is on a better footing than the case of Surendra Manjhi, in which case, as per the order, there are 29 instances of overstayal.

The Court has put specific query to the State counsel as to what is the stand of the State with respect to the petitioner's claim of parity in the matter of grant of punishment based on Annexure-8. He is not in a position to show that the said issue raised in the instant writ proceedings has even been considered by the authorities. There is no dispute or denial to Annexure-8 of the writ petition. The fact not being in dispute, the Court would observe that the petitioner's claim for parity based on Annexure-8 is required to be considered by the D. G. P.-cum- I.G. of police, Bihar, Patna (Respondent No. 3) by a reasoned and speaking order, should the petitioner submit his representation claiming parity along with a copy of this



order with a period of four weeks from the date of receipt of the production of the copy of this order. Final order is required to be passed by the Respondent No.3 within a period of three months.

The application stands disposed of.

(Madhuresh Prasad, J)

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