

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6636 of 2021

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Babalu Kumar, S/o Lalan Prasad, R/o Village-Kadirganj, Post-Bhadokhara,
P.S.-Darigaon, Dist.-Rohtas, PIN 821115.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Department,
Government of Bihar, Patna.
2. The Director General of Police-cum-I.G. of Police, Bihar, Patna.
3. The D.I.G of Police, Tirhut Range, Muzaffarpur.
4. The S.S.P. of Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Jha, Advocate
For the Respondent/s : Mr.Manish Kumar, (Gp4)

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

Date : 07-02-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19
pandemic.

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

“ I. Writ application is being filed for set aside the
impugned dismissal order passed by the S.S.P.
Muzaffarpur, vide, Ziladesh no. 1809/2020, dated-
11.12.2020, (Annexure-9), and issuance of appropriate
writ order or directions to the respondent authorities to
reinstated the petitioner with all consequential benefits
from the date of joining and till today.

II. For issuance of an appropriate writ, order/orders,
direction or directions in nature of Mandamus directing
and commanding the concerned respondent as similar
order passed by this Hon’ble High Court in similar
matter in CWJC No. 2468/2019 order dated 19.02.2019
& CWJC No. 16293/2014 dated 23.07.2019 (Annexure-
10 & 11) of this writ petition.

III. For further issuance of an appropriate writ order



or direction in nature of Mandamus directing and commanding the concerned respondent not to humiliate or harass the petitioner on account of the illegal and baseless, FIR of Sasaram (Darigaon) P.S. No. 795/2011, in which appellate Court has been acquitted the petitioner in Cr. Appeal No. 36/2016 on 21.01.2017(Annexure-3).

IV. For issuance of any other relief or relies to which the petitioner found entitled to in the larger interest of justice.”

3. One of the relief is relating to questioning the dismissal order dated 11.12.2020 passed by the SSP, Muzaffarpur. Petitioner has the statutory remedy of appeal before the Appellate Authority. Therefore, the present petition is premature to entertain in the light of decision of Apex Court decision in the case of *State of Jammu and Kashmir v. R.K. Zalpuri reported in AIR 2016 SC 3006 at para 20 held as under:*

“ 20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“ The Court while exercising its jurisdiction under Article 226 if duty-bound to consider whethe:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whethe they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

4. Accordingly, the present petition is disposed of reserving liberty to prefer appeal before the appellate authority



within a period of eight weeks from the date of receipt of this order.

5. If such appeal is filed the Appellate Authority is hereby directed to decide the petitioners appeal within a period of four months from the date of receipt of such appeal.

(P. B. Bajanthri, J)

khushbu/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

