

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11566 of 2021

=====

Pankaj Kumar Pandey son of Late Shiva Kant Pandey resident of Village-
Janardanpur, P.O. and P.S.- Durgawati, District- Kaimur, presently residing at
Village- Dhantoliya, Ward No. 26, P.O. and P.S.- Dihri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The I.G., Crime Investigation Department, Government of Bihar, Patna.
5. The S.P. (C), Crime Investigation Department, Government of Bihar, Patna.

... .. Respondent/s

=====

For the Petitioner/s	:	Mr Kanhaiya Pandey, Advocate
For the Respondent/s	:	Mr Md Nadim Seraj, GP V

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-08-2022

This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and the
respondents.

The short submission advanced on behalf of the
petitioner, without disputing the fact that his brother is gainfully
employed in the Border Security Force, that the authorities, in
terms of the Full Bench decision of this Court in *Niraj Kumar
Mallick & Others -Versus- State of Bihar & Others*, since
reported in 2018 (2) PLJR 951, was required to undertake an
enquiry as regards the financial capability of the employed
sibling. Submission is that petitioner filed his application
against the order passed by the Superintendent of Police (Crime



Investigation Department), Bihar, Patna before the Director General of Police (Respondent No 3). The rejection of petitioner's application by order of the Superintendent of Police dated 08.08.2016 is, therefore, pending consideration before Respondent No 3.

This Court, however, considers it appropriate to remit the matter to Respondent No 5 for reconsideration.

The petitioner may place the financial burden of the dependents and any other material that he considers appropriate along with a representation annexing copy of this order within 15 days from today so as to enable consideration of his claim by Respondent No 5.

The decision should be taken, after making an assessment in terms of the Full Bench decision in the case of *Niraj Kumar Mallick (supra)* within 8 weeks from the date of receipt of representation along with a copy of this order.

While taking a decision, impugned order dated 08.08.2016 shall not stand in the way of such consideration.

This writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

