

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10787 of 2020

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Ritu Devi Wife of Upendra Kumar Pandey, daughter of Sri Bashishtha Narayan Choubey @ Bashist Choubey, resident of Village - Badha, Post and Police Station - Nuoan, District - Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga, District - Darbhanga.
4. The Senior Superintendent of Police, Darbhanga.
5. The Commandant Bihar Military Police - 5, Phulwarisharif, Patna.
6. The Deputy Superintendent of Police (Police Force), Police Centre, Darbhanga.
7. Upendra Kumar Pandey, Son of Sobhnath Pandey, resident of Village - Bore More Chausa, Post - Buxar (Mufasil) Police Station- Buxar (Mufasil), District - Buxar, at present Armoral Constable, District - Police Force, Darbhanga, Post, Police Station and District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Choubey
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 11-05-2022

Heard learned counsel for the respective parties.

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

i) Issuance of a writ in the nature of writ of certiorari quashing the order vide Letter No.1784 dated 28.04.2020 passed by the Senior Superintendent of Police, Darbhanga contained in Annexure-7 whereby and where under he has been pleased to disposed of the representation of petitioner (i.e.



annexure-3) without giving any opportunity of hearing of the petitioner and as such he has been deliberately ignored the order dated 25.02.2020 of the Hon'ble High Court Patna passed in C.W.J.C. No. 2659/20 "Ritu Devi Versus The State of Bihar and other".

ii) Issuance of a writ in the nature of writ of mandamus directing the respondent authorities to take appropriate action against the respondent no.7 Upendra Kumar Pandey, constable on the basis of representation made by petitioner on 17.01.2019 in this regard for his deliberate laches of not mentioning the name of petitioner as wife in his service book.

iii) Issuance of a writ in the nature of writ of mandamus directing the respondents to take appropriate action/fresh decision on the representation of petitioner dated 17.01.19 made against the respondent No.7 Upendra Kumar Pandey after giving opportunity of hearing of petitioner.

iv) Issuance of any other writ(s) or order(s) or direction (s) which may be deemed fit and proper in the facts and circumstances of the case.

The petitioner is the wife of 7th respondent. 7th respondent was subjected to disciplinary proceeding on the allegation that he has entered into second marriage contract when his first wife-petitioner is alive. In the disciplinary proceeding, 7th respondent has been exonerated. Feeling aggrieved by the order of exoneration of 7th respondent, petitioner (wife of 7th respondent) has presented this petition. The petitioner has no *locus standi* to



question the order passed in a disciplinary matter. In a disciplinary proceeding matter is between employer and employee. In other words it is among official Respondents and its Government Servant. The disciplinary rules are applicable to Government Servants. Therefore, the petitioner who is nor a Government Servant has no locus to question the validity of the order passed in a disciplinary proceeding.

At this stage, learned counsel for the petitioner submitted that 7th respondent has not paid maintenance and other benefits in that regard, the petitioner has remedy before the appropriate forum while invoking the appropriate provisions of law. It is learnt that she has already invoked such remedy and it is pending consideration.

Therefore, the present petition is not maintainable and accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Ranjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2022
Transmission Date	NA

