

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15072 of 2021**

Pravin Kumar Prabhat Son of Brahmdeo Mandal Resident of Village-  
Sakhikura, Post- Khadaich, P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Director General of Police Bihar, Patna.
3. The Inspector General of Police Bihar, Patna.
4. The Deputy Inspector General of Special Armed Police Muzaffarpur.
5. The Superintendent of Police Jamui.
6. The Commandant Bihar Special Armed, Police-11, Jamui.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate  
For the Respondent/s : Mr. Manish Kumar (GP 4)

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

**Date : 22-02-2022**

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following relief(s):-

*“(i) For quashing the impugned order as Contained in memo no. 2859 dated 07.08.2021 passed by the Commandant Special Armed Police-11, Jamui. Whereby and whereunder the petitioner has been terminated from his service from the post of constable, Bihar Special Armed Police-11, Jamui without initiation of Department proceeding and without giving proper opportunity of hearing which is against the law and against the the principle of natural justice and contrary to the provision of Article- 311 of the Constitution of India.*



*(ii) Further after quashing the impugned Order the respondent authority Respondent No. -6) may be directed to take joining to the petitioner on his post.*

*(iii) To grant any other relief for which the petitioner is entitled to get in the eye of law.”*

In support of the aforesaid relief, the petitioner has statutory remedy of appeal before the appellate authority. Without exhausting the statutory remedy of appeal writ petition cannot be entertained in the light of Hon'ble Apex Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** 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 is duty-bound to consider whether:*

*(a) adjudication of writ petition involves any complex and disputed questions of facts and whether 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.”*

Accordingly, the present petition stands disposed off re-serving liberty to the petitioner to approach appellate authority in filing an appeal.

The appellate authority is hereby directed to take note of Section 14 of the Limitation Act, 1963 for the purpose of condonation of delay in presenting memorandum of appeal. If such appeal is filed the same shall be considered within a period of four months from the date of receipt of appeal after giving due opportunity of hearing to the persons whose rights are likely to be affected.

**(P. B. Bajanthri, J)**

Vikash/-

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