

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2698 of 2020

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Lalu Soren S/o Late Mahesh Soren Coustable 173, Resident of Village-
Pirota, Post- Ramchandarpur Etahari, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principle Secretary, Home (Police) Department, Bihar, Patna.
2. The Principle Secretary, Home (Police) Department, Govt. of Bihar, Patna.
3. The Director General of Police Bihar, Patna.
4. The Inspector General of Police Bihar, Patna.
5. The Deputy Inspector General of Police (Personal) Bihar, Patna.
6. The Assistant Inspector General of Police (Wel fare), Bihar, Patna.
7. The Superintendent of Police Naugachiya.
8. The Sargeant Majour Police Centre, Naugachiya.
9. The Reserve Sub Inspector (first) Naugachiya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prashant Kashyap, Adv
For the Respondent/s	:	Mr.Md.N.H.Khan (Sc1)
		Mr. Fazle Karim, AC to SC-1
		Ms. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-12-2023 Learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed this writ petition for quashing of the letter bearing Memo No. 917/439997 dated 06.09.2019 (Annexure-8) by which the petitioner requests for absorbing him as constable from the post of cook on which he is being appointed on the compassionate ground has been rejected.

3. Counsel for the petitioner submits that the father of



the petitioner was in the service of Bihar Police as Constable No. 173 at Naugachiya District Police who died on 02.05.2014 during his service period. Counsel further submits that at that very time, the petitioner was matriculated and he has not completed the age of 18 years. Upon filing application for appointment, his case was considered to be appointed as *Bal Sipahi* and accordingly, a Memo No. 6249 dated 29.05.2017 have been issued. He was recommended for medical verification but either due to one reason or the other, the medical verification could not take place and in the meantime he has attained 18 years of age. At that very time, there was no eligibility of the petitioner as intermediate, therefore, his appointment was made as cook.

4. Counsel further submits that when he was working as cook, he has taken permission to appear in the intermediate examination and that permission was granted to him. After obtaining the result of the intermediate, petitioner filed a representation on 18.09.2018 before the Superintendent of Police, Naugachiya to consider his case and appoint him as constable since he has passed the intermediate examination but his representation was rejected by the Superintendent of Police, Naugachiya.



5. Counsel further submits that in exactly similar situation, the case of another person were rejected and the aggrieved person has preferred writ before this Hon'ble Court in C.W.J.C. No. 15528 of 2018 and vide order dated 01.08.2019, the case of the said petitioner namely Kumar Amrit Raj was considered and he was granted the same benefit as given to his colleague who was appointed on compassionate ground.

6. Counsel for the petitioner submits that his case is also considered and is squarely covered from the case of Kumar Amrit Raj Vs. State of Bihar.

7. Upon perusal of records, there is no counter affidavit filed by the State in this case instead of the fact that this has been filed on 04.02.2020. So, this Court is not inclined to adjourn this case further.

8. This Court is of the view that present case has to be considered in the light of Section 4(C) of the Bihar State Litigation Policy, 2011 which states as follows:

“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant-employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

9. In this background, let this writ petition be disposed



of directing the petitioner to file his representation under Section 4(C) before the Superintendent of Police, Naugachiya within four weeks from communication of this order and the Superintendent of Police, Naugachiya is directed to pass order a fresh considering the ratio laid down in case of ***Kumar Amrit Raj Vs. State of Bihar and Ors.*** passed in C.W.J.C. No. 15528 of 2018.

10. In this Background the letter bearing Memo No. 917/439997 dated 06.09.2019 (Annexure-8) is hereby set aside.

(Dr. Anshuman, J)

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