

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5409 of 2023

1. Bablu Kumar Singh Son of Saudagar Singh, Resident of Village - Rampurwa, P.S. - Chanpatia, District - West Champaran.
2. Ram Kishor Singh, Son of Late Dinesh Singh Resident of Unthoo, P.S. - Aurangabad, District - Aurangabad.
3. Dharmendra Kumar Singh Yadav Son of Dhupan Singh Yadav Resident of - Gope Bharaulee, Simri, P.S. - Simri, District Buxar.

... .. Petitioners

Versus

1. The State of Bihar through the Additional Chief Secretary Home Department, Government of Bihar, Sardar Patel Bhawan, Bailey Road, Patna.
2. The Director General of Police, Bihar Special Arms Police, Patna, Bihar.
3. The Inspector General of Police, Bihar Special Arms Police, Patna.
4. The Deputy Inspector General of Police, Bihar Special Arms Police, Kendriya Mandal, Police.
5. The Commandant Bihar Special Arms Police - 14, Patna.
6. The Bihar Disaster Management authority through its CEO- cum-Chief Secretary, Bihar.
7. The Commandant State Disaster Response Force, Bihta.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Lal Babu Singh, Advocate Mr.Nilesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad (SC-8) Mr.Ruchikar Jha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioners and the State.

Petitioners, in the present case, are seeking the following reliefs:-

“(i) For setting aside the Memo No. 2349 dated 29.09.2022 (Annexure -P/7) of the Respondent Deputy Inspector General of Police with respect to the petitioners whereby and



whereunder the service of the petitioners has been transferred to the State Disaster Response Force (SDRF) on deputation notwithstanding the petitioners never gave their consent for transfer on deputation and Petitioner No.-1 & 3 have crossed the age of 35 years.

(ii) For a direction to the respondents to restore the previous place of service of the petitioners remitting back their service to Bihar Special Arms Police- 14, Patna will be consequential benefits.

(iii) For appropriate declaration that :-

a. In absence of consent of the petitioners for transfer their service to State Disaster Response Force (SDRF) on deputation the action of the respondent of transferring their service on deputation is contrary to soul and spirit of the impugned decision dated 28.09.2022 contained in Memo No. 2349 itself.

b. The impugned order of service of the petitioners on deputation to State Disaster Response Force (SDRF) is also contrary to Letter No. 1519 dated 10.06.2022 as the Petitioner No. 1 & 3 have crossed the age of 35 years and the age of Petitioner No.- 2 is approaching 35 years.

(iv) For any other relief(s) or consequential relief(s) to which the petitioners may be found entitled to in the facts and circumstance of this case.”

The petitioner nos. 1 and 2 are Constables whereas petitioner no. 3 is a Hawildar and all the petitioners are under Bihar Special Arms Police posted at Bihar Special Arms Police- 14, Patna.



It is the case of the petitioners that petitioner nos. 1 and 3 have crossed the age of 35 years whereas the petitioner no. 2 is approaching 35 years of age. The grievance of the petitioners is that they have been sent on deputation to State Disaster Response Force (in short 'S.D.R.F.') without their consent and ignoring the maximum age limit which is required to be adhered to in respect of the members of the Force of State Disaster Response.

Learned counsel for the State has filed a counter affidavit. In Paragraph '13' of the counter affidavit, it is stated that the Commandant of Bihar Special Arms Police-14 (in short 'B.S.A.P.-14'), Patna sent notice in all company of B.S.A.P.-14, Patna and also in Headquarter and asked the willing police personnel to join in S.D.R.F. In Paragraph '14' of the counter affidavit, it is stated that on 23.09.2022, I. G. of Police B.S.A.P., Bihar, Patna sent letter to the D.I.G. of B.S.A.P. (Central Zone), Patna to send names of 5 Sub-Inspectors, 30 Hawildars and 115 Constables for deputation in S.D.R.F. It is stated that in the letter of I. G. of Police B.S.A.P., Bihar, Patna, it is not mentioned that persons having more than 35 years will not be sent in S.D.R.F. on deputation. A stand has been taken that in the light of the direction of the I. G. of Police B.S.A.P., Bihar, Patna, the name



of the petitioners have been sent. This occasion has arisen only because in spite of sending letter, no police employee sent his willingness for deputation in S.D.R.F.

Having heard learned counsel for the petitioners and the State respondents, this Court is of the considered opinion that at this stage this Court need not interfere with the order of deputation. The petitioners may file a representation before the respondents pointing out the policy, if any, framed with regard to the deputation of the Constables in S.D.R.F. The respondents shall also consider apart from it's own policy that whether in absence of any specific guidelines in this regard, the petitioners may be placed on deputation in S.D.R.F.

Let such consideration be given within a period of one month from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

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