

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16848 of 2015

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Prem Patwari Son of Late Mukti Nath Patwari, resident of village- Narkatia
Done, P.S.- Gobarahiya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General Of Police, Muzaffarpur, Zone, Muzaffarpur.
3. The Dy. Inspector General of Police, Saran Range, Chapra.
4. The Dy. I.G.P. Champaran Range, Bettiah
5. The Superintendent of Police, West Champaran.
6. The S.P., Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate
For the Respondent/s : Mr. Md. Irshad, AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 30-11-2023

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The petitioner is aggrieved by order no. 1112 of 2003
passed by the Respondent No. 6 where Respondent No. 6 has
passed order for dismissal of the service of the petitioner.

3. Learned counsel for the petitioner submits that the
impugned order is bad in law and the petitioner has been
appointed to the post of Constable.

4. Learned counsel for the State on the other hand filed
a detailed counter affidavit stating therein that the petitioner has
been appointed without following the due procedure under



Section 661(b) of Bihar Police Manual, 1978.

5. Learned counsel for the State further submits that the appointment of any person on the post of Constable can only be done on the recommendation of the Selection Board, while in this present case there is no recommendation or even no advertisement was issued for the post in question. He further submits that Rule 661(b) of Bihar Police Manual, 1978 provides the appointment process for the post of Constable. Rule 661(b)- by whom appointed- Constable shall be appointed by District Superintendent of Police for which a list will be prepared by the Selection Board duly constituted for the purpose. And the Government of Bihar vide Letter No. 10184 dated 17.10.1998 and vide Letter No. 10598 dated 04.09.2000 has communicated that all the appointments of Constables under special circumstances made by Former Director General of Police, Bihar has been declared illegal by the Accountant General, Bihar and thereafter the State Government has taken decision to cancel all the appointment made by the Former Director General of Police.

6. In light of the aforesaid orders of the State Government, the Superintendent of Police, West Champaran (Bettiah) asked for a show-cause notice from the petitioner vide



Memo No. 1283 dated 14.06.2003, and after considering their replies to the show-cause notice, the then Superintendent of Police, West Champaran was dissatisfied with the reply and the petitioner was terminated from the service vide West Champaran (Bettiah) District Order No. 1176/2003-cum-Memo No. 1512 dated 30.06.2003, as per the direction contained in Memo No. 2083/P-2 dated 06.06.2003 issued from the Office of Director General of Police, Bihar, Patna.

7. The similarly situated persons have approached this Hon'ble Court in CWJC No. 3959 of 2002 and other analogous matters (Ram Narayan Harijan & Ors. Vs the State of Bihar and Ors.), the Hon'ble Court found that a large number of appointments had been made by the then Director General of Police, without any advertisement. The Hon'ble Court also relied upon the judgment of Sudhir Kumar vs the State of Bihar reported in 2003 (3) PLJR 717 in which it has been held that the Director General of Police has no discretion or power to make appointment on the post of constable. Thereafter, the Hon'ble Court while hearing LPA No. 1136/2014, the Division Bench held that large scale appointments of such kind, which primarily were manipulated by the then Director General of Police, Government of Bihar and the appointment were held to be



illegal.

8. In view of the aforesaid, there is no merit in the present writ petition and the same is dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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