

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4276 of 2020

=====

Jitendra Kumar Thakur son of Akhileshwar Thakur resident of Village-
Radhaur, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General Police, Tirhut Zone, Muzaffarpur.
4. The Superintendent of Police, Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vinay Ranjan, Advocate
For the Respondent/s	:	Md.N.H.Khan (SC1)
		Ms. Babita Kumari, AC to SC-1

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the petitioner was earlier dismissed from the service vide order No.1164/2007 dated 21.08.2007. The said order has been challenged before this Hon'ble Court in CWJC No. 23831 of 2013 in which vide order dated 07.05.2014, this Hon'ble Court has pleased to set aside the said order.

3. Learned counsel for the petitioner further submits that after passing of the order by this Hon'ble Court, the petitioner has filed representation and the Superintendent of Police, Sitamarhi has passed the order contained in Memo No.



1602 dated 15.07.2014 by which the petitioner was reinstated in service w.e.f. 11.07.2014 in the form of adjustment. Subsequently, the petitioner filed a representation before the Superintendent of Police Sitamarhi as well as also before the Deputy Inspector General of Police, Tirhut Range, Muzaffarpur for shifting his date of appointment w.e.f. 10.07.2007 and also for grant of benefit with the said effect, but no order has been passed on the representation of the petitioner till date.

4. The State has not filed any counter affidavit after the lapse of four years and counsel for the State seeks some time to file counter affidavit in this case.

5. It transpires to this Court that the termination order of the petitioner has already been set aside by this Hon'ble Court and in the light of the order passed by this Court, the petitioner has been reinstated in service. The only dispute left is relating to the date of his appointment, for which the petitioner filed representation, but no decision has been taken by the respondent authorities.

6. In this background, this Court is of the view that to keep pending the writ petition shall not serve the purpose. As such, the order contained in Memo No. 1602 dated 15.07.2014 needs reconsideration, particularly in the light of the order



passed by this Court on 07.05.2024 in CWJC No. 23831 of 2013. Hence, the impugned order contained in Memo No. 1602 dated 15.07.2014 is set aside. The petitioner is directed to file a fresh representation within 30 days for redressal of his grievance which he has mentioned in the present writ petition before the Superintendent of Police, Sitamarhi as the Deputy Inspector General of Police has already stated in the order impugned that he is the competent authority to decide the same. The Superintendent of Police is directed to pass a reasoned and speaking order afresh, in strict compliance of the order passed in CWJC No. 23831 of 2013 relating to the petitioner within 90 days from the date of production of a copy of this order along with fresh representation.

7. With the aforesaid observation and direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

U			
---	--	--	--

