

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6468 of 2018**

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Naseema Khatoon W/o Late Fazle Haque, Resident of Village- Ratanpura  
near Zahir Zarrah P.S.- Bhagwan Bazar, Dist.- Saran at chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar at Patna.
3. The I.G. of Police, Bhagalpur Range at Bhagalpur.'
4. The D.I.G. of Police Munger, Division at Munger.
5. The S.P. Begusarai.
6. The Dy. S.P. Sadar, Begusarai.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate  
For the Respondent/s : Mr.Md. Nadeem Seraj- GP5

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 28-02-2024**

Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner has prayed for the following  
relief/s :-

*“ i. For issuance of direction,  
order/orders of writ including writ in the nature  
of Mandamus for quashing the order contained  
in memo No. 216/p-2 dated 25.01.2016, which  
was issued by the Assistant (welfare) of the  
D.G.P., Bihar in accordance with the order of  
the D.G.P. Bihar, by which the petitioner's late  
husband was held ineligible for ACP/MACP.*

*ii. For issuance of a direction,  
writ/order including writ of mandamus the  
respondent to release the ACP/MACP benefit of  
the petitioner's husband of which petitioner's*



*late husband of which he was entitled to.*

*Iii. For issuance of a declaration holding that the action on part of the concerned respondents authorities is a blatant violation of the principles of natural justice as well as violation of Article 21 and Article 300A of the Constitution of India.”*

3. Learned counsel for the petitioner submits that the decision taken in Memo No. 216 dated 25.01.2016 has not been passed in accordance with law. According to the petitioner, one ‘Black Mark’ is a minor punishment.

4. Learned counsel for the State on the other hand submits that the present writ petition is not maintainable at all due to two reasons, firstly that the punishment awarded to the petitioner’s husband according to Rule 726 (3) of the Bihar Police Manual imposing ‘Black Mark’ has been treated to be a major punishment and secondly, the punishment of the petitioner’s husband has completed on 08.03.2011 meanwhile, he retired on 31.01.2010 and the present writ petition has been filed on 05.04.2018. As such, the benefit of ACP/MACP is not permissible to him.

5. In the light of the submissions made by the parties, it transpires to this Court that the active period of the punishment has already been completed on 08.03.2011 and in the name of taking benefit of ACP/MACP filing the writ after



lapse of 7 years is not permissible in the eyes of law. Therefore,  
the present writ petition stands dismissed.

6. However, the petitioner would be at liberty to raise  
his grievances at departmental level, if he so advised.

**(Dr. Anshuman, J)**

Ashwini/-

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| AFR/NAFR          |            |
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