

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8778 of 2018

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Krishna Kumar Singh Son of Bheshdhari Singh, Resident of Village-Niazipur,
Police Station-Chandauti, District-gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General-Cum-Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police Head Quarters Bihar, Patna.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Siya Ram Shahi, Adv.
	:	Mrs.Shally Kumari, Adv.
For the Respondent/s	:	Mr.Md.N.H.Khan -SC1
	:	Mr. Md. Fazle Karim, AC to SC1

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for setting aside the Memo No.43 dated 17.02.2018 issued by the Superintendent of Police, Nawada whereby the claim of the petitioner that his date of birth is 23.10.1952 and as such, he should have been superannuated on 31.10.2012 instead of 30.06.2007 has been rejected without assigning any reason and further to treat the date of birth of the petitioner as 23.10.1952 and accordingly to pay all consequential benefits.

3. Learned Counsel further submits that the petitioner



has earlier moved before this Hon'ble Court in C.W.J.C. No.11970 of 2007 in which vide order dated 26.07.2017, this Hon'ble Court has pleased to dispose off the writ petition after setting aside the order dated 10.07.2017 directing the Superintendent of Police, Nawada to consider the matter and pass order afresh after granting opportunity of hearing to the petitioner in accordance with law expeditiously, and in any event preferably within a period of three months.

4. Learned Counsel submits that he has filed representation before the Superintendent of Police, Nawada vide Annexure-9 in compliance of order passed in C.W.J.C. No.11970 of 2007 which was disposed off on 26.07.2017.

5. Learned Counsel further submits that as per his knowledge, no decision has been taken and instead thereof, a letter impugned vide Memo No.43 dated 17.02.2018 has been served in which no consideration on the representation took place. He further submits that he has not opted to prefer MJC on the ground that the order has come, but this order is absolutely non-speaking, and therefore, he has directly challenged the said memo.

6. Learned Counsel for the State on the other hand submits that from the impugned letter, it become crystal clear



that the Superintendent of Police, Nawada has relied on a letter issued from the Office of Inspector General of Police dated 28th June, 2007 which is contained vide Annexure-B of the writ petition.

7. Learned Counsel further submits that the earlier order dated 10.07.2017 passed by this Hon'ble Court in C.W.J.C. No.11970 of 2007 which was decided on the basis of letter dated 28th June, 2007 itself. He further submits that Respondent Authorities have not taken care of on this matter.

8. After hearing the parties, it transpires to this Court that the Superintendent of Police, Nawada (Respondent No.4) has not made true compliance of the order passed by this Hon'ble Court dated 26.07.2017 in C.W.J.C. No.11970 of 2007 rather a letter has been issued which has been impugned in the present writ petition, inspite of the fact that the petitioner has file his representation raising all points vide Annexure-9 dated 09.08.2017.

9. In this background, the Superintendent of Police, Nawada (Respondent No.4) is hereby directed to pass a reasoned and speaking order on Annexure-9 within 90 days from the date of production of this order and the letter contained in Memo No.43 date 17.02.2018 issued by the Superintendent of



Police, Nawada is hereby set aside.

10. With the aforesaid direction, the present writ application stands allowed..

(Dr. Anshuman, J.)

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