

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6535 of 2016

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Sarwan Kumar Son of Rameshwar Prasad Resident of Village- Pakari, PS and
P.O. - Krishnagarh, District Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Inspector General of Bihar Military Police, Bihar Patna null null
3. The D.I.G. Police Of Bihar Military Police Uttari Mandal Muzaffarpur,
Bihar.
4. The Commandant, Bihar Military Police- 6, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Mritunjay Narain, Adv.
For the Respondent/s : Mr.Santosh Kumar Jha- GP3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

12 29-04-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State in length.

2. It transpires to this Court that the petitioner in addition to writ petition, has filed two supplementary affidavit i.e., rejoinder to the counter-affidavit, reply to the supplementary counter-affidavit and supplementary rejoinder to the supplementary counter-affidavit. By the present writ petition, the petitioner has challenged Annexure-4 of the writ petition *i.e.*, order No.104 of 2014 passed by D.I.G., North Zone, Muzaffarpur contained in Memo No.533 dated 18.07.2014, which is an appellate order.

3. It further transpires to this Court that there are three



orders which is against the petitioner *i.e.*, the original order contained in Memo No.1174 dated 08.05.2013 passed by Commandant, BMP 6, Muzaffarpur, the Disciplinary Authority, the appellate order No.104 of 2014 passed by D.I.G., North Zone, Muzaffarpur contained in Memo No.533 dated 18.07.2014 and the revisional order dated 27.11.2014 passed by the Director General of Police in Memo No.5186 dated 01.12.2014 *i.e.*, contained in Annexure-3, 4 and 5 respectively. But on the one hand, the petitioner has filed series of petition in this case about which this Court has discussed, but reasons based on to the petitioner and his counsel, the only order passed by the appellate Court, has been challenged.

4. Counsel for the State submits that in such type of situation, particularly when neither original order nor revisional order have been challenged and only appellate order has been challenged, then the relief could not be granted. He further submits that the appellate order could not be challenged before challenging the original order.

5. As such, this Court finds subsistence in the argument of the State counsel that the petitioner has not challenged the original order and revisional order, but only challenged the appellate order. Hence, this writ is found to be



defective.

6. In this view of the matter, the present writ application stands dismissed.

7. However, in the interest of justice, liberty is hereby granted to the petitioner that he may file fresh writ challenging all the orders.

(Dr. Anshuman, J.)

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