

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19094 of 2017**

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1. Yogesh Kumar Yadav, Son of late Bongu Yadav, resident of Village-Oriyap, P.S.-Antichak, District-Bhagalpur
2. Brajesh Kumar, Son of Dharendra Singh, resident of Village-Kochgaon, P.S. Warshaliganj, District-Nawada.
3. Amit Kumar, Son of Jayant Kumar Choudhary, resident of Village-Pansalla, P.S.-Bath, District-Bhagalpur
4. Ram Padarath Prasad Suman, Son of Muneshwar Yadav, resident of Village-Basmatia, P.S.-Chanan Mananpur, District Lakhisarai.
5. Manoj Kumar, Son of Late Lakhan Rawat, resident of Village-Lakhanpur, P.S.-Jamui, District Jamui.
6. Pankaj Kumar Singh, Son of Janardan Prasad Singh, resident of Village-Sripur, P.S.-Naugachhia, District-Bhagalpur.
7. Sohan Choudhary, Son of Munshi Lal Choudhary, resident of Village-Baghi Mushahar Toli, P.S.-Bairiya, District-West Champaran, Bettiah.
8. Anil Kumar, Son of Sukhdeo Prasad Choudhary, Resident of Village-Ichua, P.S.-Nadriganj, District-Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Director General of Police, Bihar, Patna
3. The Director General of Police, Military Police, Bihar, Patna
4. The Additional Director General of Police (HQ), Bihar, Patna.
5. The Additional Director General of Police, Bihar Police Radio Organization, Bihar, Patna.
6. The Inspector General (Wireless and Technical Services), Bihar, Patna.
7. The Deputy Inspector General of Police, Bihar Military Police, North Range, Muzaffarpur.
8. The Deputy Inspector General of Police, Bihar Police Radio Organization, Patna.
9. The AIG (Inspection), Bihar, Patna
10. The AIG (HQ), Bihar, Patna.
11. The Superintendent of Police, Bihar Police Radio Organization, Patna.
12. The Commandant, Bihar Military Police-11, Jamui.
13. The Deputy Superintendent of Police (Technical/Training), Bihar Police Radio Organization, Patna.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 19094 of 2017)

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| For the Petitioner/s | : | Mr. Bindhyachal Singh, Sr. Advocate<br>Mr. Ram Binod Singh, Advocate |
| For the Respondent/s | : | Mr. Manish Kumar, GP-4                                               |



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**CORAM: HONOURABLE MR. JUSTICE NANI TAGIA**  
**ORAL ORDER**

14    22-08-2025                      Heard Mr. Bindhyachal Singh, learned Senior Counsel for the petitioners and Mr. Manish Kumar, learned GP-4, representing the respondent-State.

2. The petitioners, eight in numbers, who were constables in the Bihar Military Police, were absorbed as Literate Constables (Operator) in the Bihar Police Radio Organization vide order dated 29.06.2017, issued by the Superintendent of Police (Wireless), Bihar, Patna vide Memo No. 1033/R.O. Sig. (Annexure-7). The absorption of the petitioners as a Literate Constables (Operator) in the Bihar Police Radio Organization was done in a recruitment exercise undertaken in terms of Wireless Message bearing ORG No. 352, dated 23.09.2014, issued by the Director General of Police, Bihar, Patna in terms of Rule 1235 of Bihar Police Manual, whereby willingness of newly recruited Sepoy of all the District/Units was sought for absorption as Literate Constables (Operator) in the Bihar Police Radio Organization subject to the candidates fulfilling requisite qualification.

3. The absorption of the petitioners as Literate Constables (Operator) in the Bihar Police Radio Organization vide order dated 29.06.2017, issued by Superintendent of Police



(Wireless), Bihar, Patna vide Memo No. 1033/R.O. Sig. (Annexure-7) was cancelled by the impugned order dated 01.09.2017, issued by the Additional Director General of Police, (Wireless and Technical Services), Bihar Patna vide Memo No. 1489 (Annexure-17).

4. The petitioners have challenged the aforesaid cancellation of the absorption order dated 01.09.2017 on the ground that the same has been passed without hearing the petitioners.

5. Though, several counter affidavits have been filed by the respondents, but there is no indication that the impugned order of cancellation of absorption of the petitioners as Literate Constables (Operator) in the Bihar Police Radio Organization dated 01.09.2017 was issued by following the due process and after affording the opportunity of hearing to the petitioners by issuing notice to them to that effect.

6. Learned counsel for the respondent-State has also fairly admitted that the impugned order of cancellation of absorption of the petitioners as Literate Constable (Operator) in the Bihar Police Radio Organization dated 01.09.2017 was issued by the respondent authorities without hearing the petitioners.



7. Since it is an admitted fact that the impugned order dated 01.09.2017, whereby the petitioners' absorption as Literate Constable (Operator) in the Bihar Police Radio Organization was cancelled by the respondent authorities without hearing the petitioners, I am of the view that the impugned order dated 01.09.2017 has been issued by the Additional Director General of Police, (Wireless and Technical Services), Bihar Patna vide Memo No. 1489 (Annexure-17) in an arbitrary and unjust manner without following due process of law by affording opportunity of hearing to the petitioners and accordingly, the same cannot receive judicial approval of this Court.

8. Accordingly, the impugned order dated 01.09.2017, issued by the Additional Director General of Police, (Wireless and Technical Services), Bihar Patna vide Memo No. 1489 (Annexure-17) is hereby set aside and quashed.

9. The writ petition stands allowed and disposed off.

**(Nani Tagia, J)**

Amrendra/-

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