

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2203 of 2017

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Brajesh Pathak S/o - Sri Jai Ram Pathak R/o Vill. - Dumri, P.S. - Barahiya,
Dist - Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police Bihar, Old Secretariate, Patna
2. The Director General of Police, C.I.D., Old Secretariate, Bihar, Patna.
3. The Deputy Inspector General of Police, C.I.D., Bihar Old Secretariate, Patna.
4. The Superintendent of Police, C.I.D. Old Secretariate, Patna.
5. The Senior Superintendent of Police, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate Mr. Shashank Shekhar, Advocate Mr. Mritunjay Kumar, Advocate Mrs. Shivani Mishra, Advocate Mrs. Pragati Singh, Advocate
For the Respondent/s	:	Mr. Ajeet Kumar (GA-9) Mr. N. Vilochan Tiwary, (AC to GA-9)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 21-02-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. The present writ petition has been filed in the nature of mandamus directing the Senior Superintendent of Police, Darbhanga (Respondent no.5) to issue District order in the light of Memo No.2363/P-1 dated 12.08.2016 by which Police Inspector Shidheswar Kr. Dubey and Brajesh Pathak (petitioner) and others have already been granted promotion from the post of Sub Inspector to the post/rank of Police



Inspector. Further relief has been demanded to make payment the arrears of salary to the petitioner along with other legitimate consequential financial benefits.

3. Learned Counsel for the petitioner submits that during pendency of the present writ petition, subsequent development took place and for this, he has filed a supplementary rejoinder dated 27.01.2025 before this Court. Counsel submits that the Senior Superintendent of Police, Darbhanga restrained himself from issuing the District order on the ground that departmental proceeding and criminal proceeding are pending against the petitioner. Counsel further submits that by the said supplementary rejoinder, he has filed a representation on 01.04.2024 intimating to the Director General of Police, Bihar that the departmental proceeding bearing Order No.1810 of 2015 dated 30.11.2015 (Darbhanga District Departmental Proceeding No.01 of 2014), he has been exonerated from the charges. Counsel further submits that the criminal case which was pending against him has also been ended in acquittal *vide* judgment and order dated 02.02.2024 passed by the Sessions Court, Patna in Sessions Case No.1463 of 2013 arising out of Kotwali P.S. Case No.503 of 2003 under Sections 147, 149, 323 & 307 of the Indian Penal Code.



4. Learned Counsel for the State submits that the Senior Superintendent of Police, Darbhanga has rightly not issued the District order as there were two departmental proceedings and one criminal case was pending against the petitioner.

5. This Court without entering into the merit or demerit of this case in the light of the subsequent development took place during pendency of the writ petition finds that in petitioner's representation, he has claimed that he has been exonerated from the departmental proceeding as well as acquitted in the criminal case.

6. Upon specific query of this Court from Counsel for the petitioner that whether any decision has been taken on petitioner's representation or not, Counsel submits that as per his knowledge, till date, no decision has been taken.

7. In the light of the submissions made by the parties, it is hereby directed to the Director General of Police, C.I.D., Old Secretariate, Bihar, Patna (Respondent no.2) to take decision on petitioner's representation which is annexed as Annexure-5 to the supplementary rejoinder within 90 days from the date of production of this order. He is directed to pass a reasoned and speaking order on the same and do the needful in



accordance with law.

8. If, it has been found upon scrutiny of the representation that grievance of the petitioner is genuine then, Director General of Police, C.I.D., Old Secretariate, Bihar, Patna (Respondent no.2) shall take decision within the said period directing the Senior Superintendent of Police, Darbhanga to publish District order with consequential benefits to the petitioner.

9. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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