

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11673 of 2025

1. Mahiuddin Khan son of - Late Hasan Raja Khan, resident of Pateji P.S. Asaon, District - Siwan.
2. Birsa Bari son of Late Somay Bari, resident of village Chhota Khunta, Chaibasa, P.S -Mufassil, District - West Singhbhum, State of Jharkhand.
3. Birsa Oraon son of - Damri Oraon, resident of village - Ghoratangar, P.O - Puto, P.S- Ghagra, District - Gumla, State of Jharkhand.
4. Ravi Kumar Singh son of Ramanand Singh resident of village- Krishn Patti, P.S- Khaira (Jamui), District - Jamui.
5. Saroj Kumar Yadav son of Ramdev Prasad Yadav, resident of village - Tingharia, P.S -Kursela, District Katihar.
6. Aftab Alam son of - Serajuddin Khan, resident of village Sihuli, Darna, Sherghati, P.S Amas, District - Gaya.
7. Krishna Kumar Yadav son of Sudama Singh Yadav, resident of village Phuladhi, P.S -Sandesh, District - Bhojpur (Ara).
8. Baliram Sharma son of - Late Kamleshwar Sharma, resident of village Raja Bazar Balti Factory, Shri Ganesh Dath Nagar, P.S - Jehanabad, District -Jehanabad.
9. Vijay Hembrom son of - Birendra Hembrom, resident of village - Harkunda, Prasando Haveli, Kharagpur, P.S - Haveli Kharagpur, District - Munger.
10. Umesh Paswan son of-Ramasish Paswan, resident of village Kushapar, Karai, P.S-Ekangar Sarai Nalanda, District - Nalanda.
11. Kupul Singh Bari son of - Late Birsingh Bari, resident of village - Bamebasa (Ratangoi), P.S Mufassil Tonto, District -West Singhbhum, State of Jharkhand.
12. Matlub Ahmad Khan son of -Nasir Ahmad Khan, resident of village Morwara 2, P.S Biraul, District - Darbhanga.
13. Vijay Kishor Ray son of Late Ram Chandra Ray, resident of village Ithariya, P.S.-Karakat, District - Rohtas.
14. Nitai Chandra Pal son of - Late Pashupati Pal, resident of village Bartali, P.S - Mufassil, District - Dumka, State of Jharkhand.
15. Banarsi Singh son of Yadunandan Singh, resident of village - Barawra, Shivpur, P.S - Garahani, District - Bhojpur (Ara).
16. Sanjay Chaudhary son of -Krishna Chaudhary, resident of village Budhani Chak, Milkpar, P.S - Barh, District - Patna.
17. Satendra Sharma son of - Late Jameshwari Sharma resident of village House No. 183/6, Nasriganj, Mithila Colony (Ganghara), Dinapur Cum Khagaul, P.S- Shahpur, District - Patna.
18. Bhole Shankar Bhandari son of -Vishnu Dev Yadav, Resident of Village-Dhanaut, Mahuabag, P.S- Rupaspur, District -Patna.
19. Shailesh Kumar son of - Ram Chandra Singh, Resident of village - Sri Nagar, Jaitipur, P.S - Chandi, District - Nalanda.



20. Suryadev Kumar son of - Bundi Ravidas, resident of village- Alipur, Bihta P.S- Bhaktiyarpur, District - Patna.
21. Emanuel Porh son of - Uday Porh, resident of village- Birhu, Khunti, P.S - Khunti, District - Khunti, State of Jharkhand.
22. Sanjay Kumar Rai son of - Late Ratna Shankar Singh, Resident of village- Chilahpur Belamohan, P.S - Dumraon, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department Govt. of Bihar, Patna.
2. The Director, General of Police, Patel Bhawan, Bailey Road, Patna, Bihar.
3. The Director General, Bihar Military Police, Patel Bhawan, Bailey Road Patna, Bihar-cum-Chairman of the Committee
4. The Inspector General of Police Budget / Appeal / Welfare, Bihar, Patna.
5. The Inspector General of Police (Head Quartr), Patel Bhawan, Bailey Road, Patna, Bihar.
6. The Deputy Inspector General of Police, Bihar Special Armed Police (Northern Range), Muzaffarpur.
7. The Deputy Inspector General of Police, Bihar Special Armed Police (Central Range), Patna.
8. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
9. The Commandant, Bihar Special Arms Police - 11, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar, Advocate
Ms. Kahkashan Alam, Advocate
For the Respondent/s : Mr. Ashutosh Kumar Upadhyay, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 04-08-2025

Heard learned Counsel for the petitioners and
learned Counsel for the State.

2. The present writ petition has been filed with the
following reliefs:-



“I. For direction upon the respondent authorities to implement the Judgment / order dated 26.4.2024 passed in LPA No. 458 of 2021 (arising out of CWJC No. 1744 of 2020) by the Division Bench of this Hon'ble Court and in view of the opinion dated 6.6.2024 of the Advocate General, Bihar, Patna, in respect of the present petitioners herein this case as they are similarly situated to the appellants / petitioners of LPA No. 458 of 2021 as they are entitled for similar reliefs and extend all consequential benefits/ retiral benefits if any of them is retired during pendency of this writ application and to refund of recovered amounts if any and restore the pay-fixation/ re- fixation the pay /pension to them in the light of the facts that the petitioners are entitled to 1st ACP in the scale of Rs.4000-6000/- which had already been allowed to them by the respondents.

(ii) For direction to calculate the differential amount after fixation of pay scale and to disburse



the same.

(iii) To hold that the case of the petitioners are squarely covered by the Judgment / order dated 26.4.2024 passed by the Division Bench of this Hon'ble Court in LPA No. 458 of 2021 and in terms of the Clause 4 C (1) of Bihar State Litigation Policy, 2011 issued under resolution dated 31.3.2011 by the State Govt. and they are also entitled to be given the same and similar benefits as has been given to the appellants / petitioners of LPA No. 458 of 2021 and any discrimination with the petitioners would be amount to violation / breach of Bihar State Litigation Policy, 2011 by the respondent authorities in the light of aforesaid LPA (Supra).

(iv) any other relief/ reliefs be granted to the petitioners as so they are found entitled in the eye of law in the given facts and circumstances of this case.”

3. Learned Counsel for the petitioners submits that for the grievances which is based on the decision of L.P.A. No.458 of 2021 as well as in terms of Clause 4C(1) of the



Bihar State Litigation Policy, 2011. He submits that the petitioners have filed the representation before the Commandant vide Annexure-P/7 series, but no decision has been taken on the representations filed by the petitioners till date.

4. Learned Counsel for the State, on the other hand, submits that granting relief to the petitioners is a policy matter, which cannot be decided at the level of Commandant, therefore, he submits that a direction may be given to the petitioners to file their representation before the highest authority, where a Committee has already been formed. He submits that they should have filed the representation before the highest authority.

5. In response thereof, Counsel for the petitioners submits that petitioners are law abiding citizen and they have filed representations absolutely in accordance with law. It shall be the decision of the Commandant to refer the matter before the highest authority, if necessary.

6. In that view of the matter, this writ petition is disposed off directing respondent No.9 to decide the matter at his level and, if not, he shall refer this matter before the highest authority i.e., respondent No.3, for consideration to take



decision on the representation of the petitioners within 90 days from the date of receipt/production of a copy of this order.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2025
Transmission Date	

