

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12198 of 2024

-
1. Rakesh Kumar Dubey Son of Jai Kishore Dubey, Resident of Vill- Dehridih, P.S.- Khaira, District- Jamui.
 2. Subodh Kumar Rajak, Son of Sudama Rajak, Resident of Vill- Tarniya Halim Nagar, East Champaran, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Govt. of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police (Welfare), Patna.
4. The Deputy Inspector General of Police (Personnel), Bihar, Patna.
5. The Assistant Inspector General of Police (Welfare), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate
	:	Mr. Vipin Kumar Singh, Advocate
	:	Ms. Nikita Mittal, Advocate
	:	Ms. Smriti Singh, Advocate
For the Respondent/s	:	Mr. Addl. Advocate General 7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-09-2025 Heard learned senior counsel for the petitioners and
learned counsel for the State-Respondent.

2. This application has been filed for seeking
following reliefs:

*“(i) For Quashing of the order
contained in letter No.97 dated 10.06.24 under
the signature of Assistant Inspector general
(welfare) Bihar, Patna as per the Director
General of Police, Bihar Police head Quarter
(Personal welfare Division) whereby order no.
119 dated 23.03.2023 & order no 141 dated
16.06.2022 issued by Bihar Police Headquarter*



was modified and cadre transfer of 3 Constables including Petitioners namely Contable No.10 Vijay kr. Tiwari MPTC Dumraon, Constable no. 25 Subodh kumar Rajak CTS Simultala and constable no.24 Rakesh kumar Dubey, CTS Simultala as Armourer constable was canceled and one constable no.14 Santosh Kumar Rai at S.no.76 was relieved for his new posting. The said impugned order of cancellation of transfer was issued on the pretext of the service record of the Petitioners & ors are not clean.

(ii) Issuance of writ/order/direction, in the nature of mandamus for restraining the Respondent from giving effect to the aforesaid impugned order of cancellation of order dated 10.06.2024.

(iii) Issuance of writ/order/direction, in the nature of Mandamus for commanding Respondents to allow the Petitioners to join at their respective place of transfer as Armourer constable in the view of order contained in letter no. 119 dated 23.03.2023 and order no.141 dated 16.06.2022

(iv) For holding that the transfer of cancellation of the petitioners almost after 2 years on non-est ground of their service record is not being cleaned is not only arbitrary, unreasonable but also illegal and unsustainable.

(v) During pendency of the writ application promotional training (basic course) of this cadre be restrained otherwise the petitioners will remain junior in this cadre.”



3. Following order was passed on 27.08.2024:

“The petitioners were selected on the post of Constables and they joined their duties under the Police Department on and from 06.08.2008. While they were discharging their duties as Constables, a departmental proceeding was initiated against them and order of punishment of one black mark corresponding to with holding of one increment was granted on 10.06.2015.

2. It is submitted by the learned Advocate on behalf of the petitioners that the punishment of one black mark remains valid for six months. Subsequently, a notification was issued by the police department on 21.05.2018 for selection to the post of Armory Constable from Constables wherein a condition was appended that the service record of selected Constables must be clean.

3. The petitioners applied to the said post they being selected vide order dated 16.06.2022 were promoted to the post of Armory Constables and posted at Lakhisarai and Muzaffarpur respectively. Subsequently, by impugned order dated 10.06.2024, the petitioners were reverted back to the post of Constables without giving any opportunity of Audi Alteram Partem to them to the post of Constables. No show cause was issued, no proceeding was drawn up and after promotion, they were reverted back to the post of



Constables, on the ground that the services of the petitioners were not clean.

4. It is alleged by the petitioners that the respondents Authority cannot revert back the petitioners, without giving opportunity of being heard and initiating a departmental proceeding.

5. The learned Advocate on behalf of the State-Respondents submits that he requires instruction as to whether the order dated 10.06.2024 was passed without providing any opportunity to the petitioners of hearing.

6. Under such circumstances, the respondents are directed to file counter affidavit, within two weeks from the date of communication of this order and serve a copy of the same to the learned Advocate on behalf of the petitioners. Petitioner is at liberty to file reply to the counter affidavit, if any, within one week, thereafter.

7. List this matter on 23.09.2024 under the same heading preferably at the top of the list.”

4. Learned counsel for the respondent is not able to bring on record as to whether any opportunity of being heard was provided to the petitioners or any departmental proceeding was initiated before the petitioners were reverted.

5. In these circumstances, this writ application is allowed. The order contained in letter no.97 dated 10.06.2024 is quashed as it is in complete violation of principles of natural



justice, without issuing show cause and without initiating any departmental proceeding the letter no.97 dated 10.06.2024 was issued.

6. The consequential benefits shall be given to the petitioners forthwith including all the financial benefits which has been denied to the petitioners because of the illegal reversion order.

(Sandeep Kumar, J)

anand/-

U			
---	--	--	--

