

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19102 of 2017

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Kishore Kumar Rai Son of Late Kalika Rai Resident of Village P.O. - Chunni,
P.S. - Chausa, District - Buxar presently posted as Hawaldar at Bihar Military
Police - 10, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Inspector General of Police Budget/Appeal/Welfare, Bihar, Patna.
5. The Under Secretary to the Government, Department of Home Police, Bihar, Patna.
6. The Commandant, Bihar Military Police - 10, Patna.
7. Commandant, Bihar Special Arms Police -18, Dumraon, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar, Advocate Mrs. Aradhana Kumari, Advocate
For the Respondent/s	:	Mr. Manish Kumar - GP-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 17-06-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*i) For quashing of the force order
no. 407/2017 contained in memo no.
928/2017 dated 19.04.2017 (Annexure – 5)
passed and issued by the Commandant of the
Bihar Military Police 10, Patna (Respondent
No. 6) whereby and where under the pay*



scale earlier granted to the Petitioner and other similarly situated persons have been modified/reduced to the lower scale of pay and for adjustment of the excess amount taken/recovered by them from their salary/pension.

ii) And further Respondent be directed to make payment of the Petitioner as he was getting his salary prior to issuance of the impugned force order no. 407/2017 contained in memo no. 928/2017 dated 19.04.2017 (Annexure - 5).

iii) And for stay of the operation of the force order no. 407/2017 contained in memo no. 928/2017 dated 19.04.2017 (Annexure 5) passed and issued by Respondent No. 6 as well as the other orders and letters on the basis of which the impugned order (Annexure- 5) has been passed during pendency of the present writ application.

iv) For issuance of other order/orders which may deem fit and proper circumstances of this case.

3. Learned counsel for the petitioner submits that during the pendency of the present writ petition, this Hon'ble Court has been pleased to decide CWJC No. 1744 of 2020 and L.P.A. No. 458 of 2021. The case of the petitioner is squarely



covered by the decision in L.P.A. No. 458 of 2021. Counsel further submits that the petitioner's case is covered by the order passed in L.P.A. No. 458 of 2021 and that, according to Clause 4.C of the Bihar State Litigation Policy, 2011, the petitioner is entitled to the same treatment as the petitioners in L.P.A. No. 458 of 2021.

4. Learned counsel for the State submits that respondent No. 7 may be directed to consider the case of the petitioner in light of the Bihar State Litigation Policy, 2011, and if the petitioner is found entitled, then the petitioner's case may be given the same treatment as that in L.P.A. No. 458 of 2021.

5. Clause 4.C of the Bihar State Litigation Policy, 2011, states as follows:-

“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant-employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”



6. In light of the submissions made above, let the present writ petition stands disposed off, directing respondent No. 7 to consider the petitioner's case in light of the representation filed by him (Annexure-P/10), within 90 days from the date of production of a copy of this order.

(Dr. Anshuman, J)

Aman Kumar/-

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