

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5417 of 2019

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Nesar Ahmad son of Md. Mehadi Hassan, resident of Village- Herathu, P.S.
Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Old Secretariat, Bihar, Patna.
2. The Deputy Inspector of Police, Darbhanga Range, Darbhanga.
3. The District Magistrate, Madhubani.
4. The Sub Divisional Police Officer, Sadar, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate Ms. Shivani Mishra, Advocate Mrs. Pragati Singh, Advocate Ms. Vidhi Shree, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 18-02-2026

Heard learned counsel for the parties.

2. This writ petition is directed against the District Order No. 581/2017 dated 10.05.2017 passed by the Superintendent of Police, Madhubani (Annexure-5) as well as Memo No. 2420 dated 24.08.2016 issued by the District Magistrate, Madhubani (Annexure-4), whereby the Superintendent of Police, Madhubani as well as the District Magistrate, Madhubani by the afore-noted impugned orders



have stated that the petitioner, who is Sub Inspector of Police, shall not be posted as Officer Incharge / Station House Officer of any Police Station for the next ten years.

3. It has been submitted that the Deputy Inspector General of Police is the administrative / disciplinary authority of the petitioner.

4. Though a counter affidavit has been filed by the respondents, the learned State counsel has not been able to point out as to under which authority of law, the District Magistrate, Madhubani and the Superintendent of Police, Madhubani by the afore-noted impugned orders have ordered that the petitioner shall not be posted as Officer Incharge / Station House Officer of any Police Station for the next ten years, whereas the District Magistrate, Madhubani and the Superintendent of Police, Madhubani are not the administrative / disciplinary authority of the petitioner.

5. In view of the above, the District Order No. 581/2017 dated 10.05.2017 passed by the Superintendent of Police, Madhubani (Annexure-5) as well as Memo No. 2420 dated 24.08.2016 issued by the District Magistrate, Madhubani (Annexure-4) are set aside.



6. Accordingly, the writ petition stands allowed.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.02.2026
Transmission Date	

