# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.5057 of 2023**

**CNR No. BRHC010274942023**

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Md. Minhaj Alam S/o- Md. Kalimuddin, R/o- Village- Amari Kukron, P.S.- Dhamdahan, District- Purnea.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The D.I.G. Of Police, Military Police Now Known as Bihar Special Armed Police, Northern Zone, Muzaffarpur.
4. The Commandant, Bihar Military Police-7, Now Known as Bihar Special Armed Police-7 Katihar,
5. The Rail S.P., Katihar.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Rajhgiri, Sr. Advocates<br>Mr. Harsh Vardhan, Advocate |
| For the State | : | Mr. Pramod Kumar Singh, GP-34<br>Mr. Amit Kumar, JC to GP-34 |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**
**ORAL JUDGMENT**
**Date : 27-10-2026**

Heard learned Senior Counsel for the petitioner and learned Counsel for the State.

2. The petitioner has filed the present writ petition with the following relief/s:-

> *(i) To set aside order of Director General of Police, Bihar, Patna dated 15.09.2017 (Annexure-3) by which order of punishment dated 28.12.2013 (Annexure-2) was set aside and order was passed to reinitiate departmental proceeding after 3 years and 8 months from the date of*

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*order of punishment dated 28.12.2013 (Annexure-2).*

*(ii). To set aside the order of dismissal dated 27.07.2019 (Annexure-9) passed by the Commandant B.M.P.-7, Katihar (Now known as B.S.A.P.-7, Katihar).*

*(iii). To set aside the order of D.I.G. of Police, Military Police (Now known as Bihar Special Armed Police) Northern Zone, Muzaffarpur dated 29.01.2020 (Annexure-10) by which appeal of the petitioner has been rejected.*

*(iv). For grant of all consequential benefits.*

*(v). To set aside the order of Director General of Police Bihar, Patna, dated 28/30.06.2023 (Annexure-15) by which memorial of the petitioner has been rejected and for grant of all consequential benefits.*

3. Learned Senior Counsel for the petitioner submits that the punishment order was challenged before the Appellate Authority and the order passed in appeal has been accepted by the petitioner but after lapse of three and a half years, the respondent authorities have entertained the revision and modified the punishment order. He further submits that such decision of the respondent authorities are in gross violation of Rule 853A(a) of the Bihar Police Manual, 1978. He further relied upon a judgment passed by this Hon'ble Court in **CWJC No. 4721 of 2022, dated 19.01.2026 (Vinod Roy vs. The State of Bihar and Others)** and submits that such type of order of

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review after lapse of period of review, as mentioned in the said rule, shall not be treated good order and on this ground alone the review/revisional order has been set aside.

4. Learned Counsel for the State, on the other hand, submits that under the said rule is well within the power of the higher authority to review/revise the order of punishment and, therefore, there is no illegality in the said order.

5. With a view to adjudicate in the light of the argument made by learned Senior Counsel for the petitioner that the said order is in gross violation of Rule 853A(a) of the Bihar Police Manual, 1978, it is necessary to examine the provisions of Rule 853A(a) of the Bihar Police Manual, 1978, which states as follows:-

> *"Inspector-General may call the file in any case even when no appeal lies and pass such order as he may deem fit. The Deputy Inspector-General may call-for any file but he should refer it to the Inspector-General with his recommendation for his order. The above action should be taken within a reasonable time from the date of final order in departmental proceeding."*

6. Paragraph Nos. 9 and 10 of the judgment dated 19.01.2026, passed in CWJC No. 4721 of 2022 is as follows:-

> *"9. According to this Court, Rule 28 of the Bihar CCA Rules 2005 is very clear that the time limit for revision is six months, particularly in light of the order passed by the Co-ordinate Bench*

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*of this Court in the case of Avinash Chandra (supra). The relevant paras 7 & 8 of the said order are quoted herein as under:-*

> *"7. I have heard the learned counsel for the parties and perused the materials on record. As far as the order dated 08.09.2022, passed by the Director General of Police, Bihar, Patna, enhancing the punishment inflicted vide order dated 07.10.2022, passed by the Inspector General of Police, Tirhut Range, Muzaffarpur, is concerned, firstly, this Court finds that the same has been passed after a lapse of almost one year of passing of the order of punishment dated 07.10.2021 by the disciplinary authority, hence, considering the law laid down by this Court in the cases of Anjani Kumar Singh (supra), Ananjay Singh (supra) and Md. Giaaul Hak (supra). this Court would hold that since Rule 28 of the Rules, 2005 would govern the field, the Director General of Police, Patna could have revised the punishment inflicted upon the petitioner by the disciplinary authority vide order dt. 07.10.2021, only within a period of six months of passing of the same, however, admittedly, in the present case, the punishment, inflicted by the disciplinary authority, has been revised by the Director General of Police, Bihar vide order dt. 8.09.2022, after almost one year, which is not permissible in the eyes of law, hence the order dt. 08.09.2022, passed by the Director General of Police, Bihar, Patna, being contrary to law is set aside.*
>
> *8. Yet another aspect of the matter is that the impugned order dated 08.09.2022, passed by the Director General of Police, Bihar Patna is cryptic and an*

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*unreasoned order, which nowhere deals with the submissions made by the petitioner in his reply to the show-cause notice dated 21.06.2022 and on the contrary, in a single line, it has been stated that nothing new has been submitted by the petitioner, apart from the fact that the said order dated 08.09.2022 does not specify anywhere, the reasons which might have weighed in the mind of the Director General of Police, Bihar, to take a different view from the view taken by the disciplinary authority while inflicting minor punishment vide order dated 07.10.2021, so as to warrant enhancement of the punishment. Reference in this connection be had to the judgments rendered by this Court in the cases of Sunil Kumar (supra) and Abha Kumari (supra), as also to the judgment rendered by the Hon'ble Apex Court in the case of Oryx Fisheries Pvt. Ltd. (supra). Consequently, on the foregoing ground as well, the order dated 08.09.2022, passed by the Director General of Police, Bihar, Patna is held to be perverse, illegal and contrary to law."*

*10. This Court, on the basis of the reasoning and the relevant law, which are very clear, is of the firm view that the time limit shall be six months only. In the present case, the final decision was taken on 30.10.2018, whereas, the intimation for revision took place in the year 2020 i.e. after a lapse of two years. Therefore, the order dated 25.12.2021 contained in Letter No. 597 passed by the Director General of Police, Bihar, Patna (Annexure-16) is hereby set aside."*

7. In the light of the submissions made and the ground that the said review/revision has been made after lapse

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of three and half years, which is in gross violation of Rule 853A(a) of the Bihar Police Manual, 1978, this Court finds substance in this writ petition. Accordingly, the order dated 15.09.2017 passed by Director General of Police, Bihar (Annexure-3), the order of dismissal dated 27.07.2019 passed by the Commandant, B.M.P.-7, Katihar (now B.S.A.P.-7, Katihar) (Annexure-9), the order dated 29.01.2020 passed by D.I.G., of Police, Military Police (Now Bihar Special Armed Police), Northern Zone, Muzaffarpur (Annexure-10) and order dated 28/30.06.2023 passed by Director General of Police, Bihar, Patna (Annexure-15) are hereby set aside. Hence, the present writ petition stands allowed.

8. The respondents are hereby directed to provide consequential relief to the petitioner including his salary and other benefits within 60 days from today.

**(Dr. Anshuman, J)**

Anshuman/-

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
| **Uploading Date** | 31/10/2026 |
| **Transmission Date** | |

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