

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5285 of 2026

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Arun Kumar Choubey Son of- Harish Chandra Choubey, Resident of
Gaushala, Katihar, P.S.- Katihar, Dist.- Katihar, Pin Code-854105.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Home Affairs, Patna, Bihar.
2. The Director General of Police, Patna, Bihar.
3. The Commandant, Bihar Special Armed Police (BSAP) Battalion-09, Jamalpur, Munger, Bihar,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kr. Singh, Sr. Advocate Mr. Akriti Aishwarya, Advocate
For the State	:	Mr. Sita Ram Yadav, GP-16 Mr. Rakesh Kr. Shrivastava, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-04-2026 Learned counsel appearing for the petitioner and

learned counsel appearing for the State are present.

2. The present writ petition has been filed for the
following relief/s :-

*“(i) Issue an appropriate writ, order
or direction, preferably in the nature of
Mandamus, commanding the Respondents
particularly the Commandant, Bihar Special
Armed Police (BSAP) Battalion-09, Jamalpur,
Bihar, to reinstate the petitioner to the post
from which he was dismissed vide Memo No.*



1152/2014 dated 18.11.2014, with all consequential benefits, in light of the judgement rendered by this Hon'ble Court in CWJC No. 4363 of 2020 Arun Kumar Choubey Vs. The State of Bihar and Ors.

(ii) Issue an appropriate writ, order or direction, preferably in the nature of Mandamus, directing the respondents to extend the same relief and benefits to the petitioner as have been granted by this Hon'ble Court to other similarly situated persons in Neeraj Kumar v the State of Bihar in CWJC No. 15564 of 2012 and in Prince Kumar v State of Bihar in CWJC NO. 1560 of 2012, and consequently reinstate the petitioner on the same post with all consequential benefits, in the interest of justice and in compliance with the mandate of Articles 14 and 16 of the Constitution of India, so as to prevent arbitrariness and hostile discrimination.

(iii) Issue an appropriate writ, order or direction, preferably in the nature of Certiorari, for quashing the impugned order bearing Memo No. 1152/2014 dated 18.11.2014, as being arbitrary, illegal, non est in the eyes of law and violative of Articles 14 and 16 of the Constitution of India, in as much as the same is founded upon Memo No. 118 dated 10.03.2021, which already stands quashed and set aside by this Hon'ble Court,



and thus the very substratum and foundation of the impugned order has ceased to exist, rendering the impugned action unsustainable in law;

(iv) Issue an appropriate writ, order or direction directing the respondent authorities to consider and dispose of the representation preferred by the petitioner in a time -bound manner, in accordance with law, and to grant the petitioner the relief of reinstatement;

(v) Declare that once the foundation of an administrative or quasi-judicial order is set aside, any consequential action based thereupon automatically falls, in terms of the settled principle of law that “sublato fundamento cadit opus.”

3. Learned counsel appearing for the petitioner submits that the petitioner has filed representation dated 13.12.2025, as contained in Annexure P/5 to the writ petition for redressal of his grievance, but no decision has been taken on his representation till date. Therefore, he moved before this Hon’ble Court.

4. Learned counsel for the State submits that a direction may be issued for disposal of the petitioner’s representation within a specified period.

5. In the aforesaid background, this Court without



entering into the merit or demerit of the case directs respondent no.3, namely, the Commandant, Bihar Special Armed Police (BSAP) Battalion-09, Jamalpur, Munger, Bihar to take a decision on the representation dated 13.12.2025, as contained in Annexure P/5 to the writ petition within a period of 90 days from the date of receipt/production of a copy of this order.

6. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

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