

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9194 of 2026

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Saday Shankar Singh Son of Sri Vishnu Deo Singh, Resident of Village-
Gadhbarubari, Police Station- Supaul, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The D.G. cum I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, B.M.P. Northern Zone, Muzaffarpur.
4. The Commandant B.M.P.-6, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad Singh, Advocate
For the Respondent/s : Government Pleader (5)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-07-2026 1. The objection raised in the office note dated

1.7.2026 is with respect to the maintainability of the writ
petition, the petitioner having moved this

Court earlier for the same relief.

2. It is not in dispute that the petitioner moved this
Court earlier vide CWJC no. 8612 of 2004 which along with
one another writ application was dismissed by a common order
dated 13.1.2011 which is reproduced herein below for ready
reference:

*“By these two writ applications, the
petitioners who are member of the police force
challenge their dismissal. They are both
involved in the same incident and, as such, with*



consent of parties, the two writ applications have been taken up and heard together for disposal at this stage itself.

The petitioners in the two writ applications apart from others were member of five man armed picket stationed on a road side in a disturbed area. The graveman of charge against them that they were negligent in their duty which resulted in extremist (Maoist) to over power them and run away with sophisticated arms and ammunition. The incident is not in dispute. The total loss of arms and ammunition to the extremist is not in dispute. What is being disputed by the petitioners is that the charge was against them was that they were absent from duty whereas everyone found that they were present.

In my view, in such proceedings the charge or the order has not to be read as statute. It has to be understood in the context. If one reads the charge and orders that follow the charge basically was of utter negligence in duty. That is a serious charge. There is clear evidence that there was virtually a mute surrender and all excuses were being made up for this decimal performance.

In such a situation, I am not persuaded to exercise my discretionary jurisdiction in the matter and, as such, the writ petitions are dismissed.

On behalf of petitioners, it is then



submitted that two other people of the same picket even retained in service. Thus, there is discrimination.

In my view, Article-14 talks of positive discrimination and not negative discrimination. If others have been wrongly let off that would not give any right to the petitioner to be let off.”

3. The LPA no. 426 of 2011 preferred by the petitioner was dismissed by order dated 1.10.2012 which is also reproduced herein below for ready reference:

“Feeling aggrieved by the common order dated 13th January 2011 made by the learned single Judge insofar as CWJC No. 8612 of 2004 is dismissed, the writ petitioner has preferred this Appeal under Clause 10 of the Letters Patent.

The appellant, a member of the police force, has been dismissed from service on 1st August 2001 by the disciplinary authority. The departmental appeal was dismissed by the Deputy Inspector General of Police on 27th September 2001. Under order dated 11th February 2003 made in CWJC.No. 1439 of 2003 filed by the appellant, the appeal was directed to be decided by the Director General of Police. The Director General of Police has dismissed the appeal on 23rd September 2003.

The said order was challenged by the appellant in above CWJC No. 8612 of 2004. The



learned single Judge has dismissed the writ petition. Therefore, this Appeal.

The disciplinary proceeding was initiated against the appellant on 20th January 2001 for dereliction in duty. It was alleged that on 18th December 2000 while the appellant was on picket duty along with others, a group of Maoists attacked the appellant and the group, and took away arms and ammunitions.

Indisputably, the charge was proved in the disciplinary proceeding resulting into the order of dismissal from service. It has been confirmed by the departmental appellate authorities as well as by the learned single Judge.

We see no merit in this Appeal. Appeal is dismissed in limine.”

4. The petitioner moved the Hon’ble Supreme Court against the dismissal of his LPA vide SLA(C) no. 9767 of 2013 which was dismissed for non-prosecution by order dated 17.2.2017. The order dated 17.2.2017 is reproduced herein below for ready reference:

“None appears on behalf of the petitioner.

The special leave petition is dismissed for non-prosecution.”

5. At this stage, it is submitted by learned counsel for



the petitioner that he may be permitted to withdraw the instant application with liberty to file a review application.

6. The review application as proposed by learned counsel for the petitioner not yet having been filed, the Court is not going into the aspect as to whether after dismissal of the earlier application/appeal etc. filed by the petitioner, orders of which have been reproduced herein above, an application for review will be maintainable or not.

7. The application stands disposed of as withdrawn.

(Partha Sarthy, J)

Amit/Bibhash

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