

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18119 of 2013

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Sanjay Kumar Mandal Son of Sri Shiv Narayan Mandal Resident of Village -
Dulari, P.O. Lalpur, P.S. Pipra, District - Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director General - Cum - Inspector Genneral Of Police, Patna
3. Superintendent Of Police, Lakhisarai
4. Deputy Superintendent Of Police Cum Enquiry Officer, Lakhisarai
5. Deputy Inspector General of Police, Munger Division, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Shivam, Advocate
For the Respondent/s	:	Mr. Sunil Kr. Mandal, SC-3
	:	Mr. Bipin Kumar, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

13 17-03-2026 Heard the parties.

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

“That this is an application for issuance of an appropriate writ, order or direction for setting aside the order as contained in Memo no.1078 dated 30.4.2013 issued under the signature of Superintendent of Police, Lakhisarai alongwith order dated 20.7.2013 issued by the Enquiring Officer i.e. Deputy Superintendent of Police, Lakhisarai by which he informed to the petitioner that from 19.8.2013 the departmental proceeding no.48/13 has been fixed in his office at 11.00 A.M.”



3. During pendency of the writ petition, I.A. No. 7112 of 2014 was filed for amendment in the writ petition whereby the petitioner had prayed for quashing the order dated 26.03.2014 and the same was allowed vide order dated 27.04.2021.

4. Further, the petitioner prayed for setting aside the order contained in Memo No. 1813/C dated 05.08.2014 by filing I.A. No. 03 of 2021, by which the appeal preferred by the petitioner was rejected. The said I.A. No. 03 of 2021 was allowed vide order dated 20.08.2025 and the prayer made in the said Interlocutory Application was made part of the prayers made in the writ petition.

5. Today the matter was heard for sometime, but during course of hearing, the learned counsel for the State points out to the averments made in paragraph no.24 of the counter affidavit filed on behalf of the respondent no.3, wherein it has specifically been mentioned that the petitioner has an alternative remedy to file Memorial before the Director General of Police, Bihar, Patna, therefore, the present writ petition is not maintainable.

6. The learned counsel for the petitioner submits that there are several procedural irregularities in conducting the



departmental proceeding. However in view of the statement of the learned counsel for the State and in view of the recent pronouncement of the Hon'ble Supreme Court of India in ***Civil Appeal No. 6719 of 2012 Rikhab Chand Jain vs Union Of India & Ors.***, wherein the Hon'ble Supreme Court of India in paragraph no.15 has held as follows;

15. In our considered opinion, the appellant having had a remedy before the High Court in a separate jurisdiction which was equally efficacious, he indulged in the (mis) adventure of invoking its writ jurisdiction which was rightly not entertained.

7. In view of the above legal proposition, the writ petition is disposed of with the liberty to the petitioner to prefer Memorial before the Director General of Police, Bihar, Patna, which shall be decided by the Director General of Police, Bihar, Patna on merits.

(Ritesh Kumar, J)

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