IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15974 of 2026

CNR No. BRHC010983722026

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Ranjay Kumar Singh Son of Sri Nagendra Singh, resident of Village- Andaul, P.O- Birhima Bazar, P.S-Baruraj, Anchal-Motipur, District-Muzaffarpur (Bihar).

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The District Officer, Cum District Collector, Muzaffarpur.
5. The Senior Deputy Collector -cum- Incharge (District General Administration), Muzaffarpur.
6. The Senior Superintendent of Police, District- Muzaffarpur.
7. The Circle Officer, Anchal-Motipur, District-Muzaffarpur.
8. The Station House Officer, Baruraj Police Station, District- Muzaffarpur.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Respondent/s : Mr. Addl. Advocate General 13

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned counsel for the State.

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

"(i) For issuance of an order/orders/direction/ direction/ writ/ writs of certiorari or any appropriate writ(s) for quashing and setting-aside the order contained in Memo No. 1283 dated 22.07.2023 (Annexure-P/6) issued by the District Officer -cum-District Collector,

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Muzaffarpur whereby and whereunder the District Officer cum District Collector, Muzaffarpur has cancelled the appointment of petitioner on the post of Chowkidar (Fourth Grade Bihar Rural Police) allegedly on the ground that he has suppressed the pendency of two criminal cases against him, (whereas the fact is that the petitioner filed the application form on 20.01.2017, and criminal cases were lodged lateron as on 10.11.2017 and 26.12.2018, even in both cases the petitioner was discharged and acquitted.

(ii) For issuance of the appropriate writ/writs, order/orders/ direction/directions commanding the respondents to re-instate his service & appointment, assuming his continuous service since 05.08.2020 at 11:00 AM. on the date when the petitioner assumed his joining as on 05.08.2020 after appointment letter and the same was accepted in the office of Circle Officer, Anchal- Motipur, District-Muzaffarpur, and to grant all consequential benefits.

(iii) And/or, prayer is made for issuance of such writ(s), direction(s), or order(s) as your lordships deem fit and proper."

3. Learned counsel for the petitioner submits that the genesis of his relief is that at the time when the petitioner filed the application for appointment, there was no criminal case pending against him. Subsequently, after filing the application, a case was filed; therefore, it was not within the control of the petitioner to intimate the authorities about the pendency of the case.

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4. Learned counsel further submits that in one case, a final form has been submitted, and in the second case, which was essentially a complaint case, cognizance was not taken and the case was dismissed at the stage of Section 203 of the Cr.P.C. Therefore, counsel submits that the order passed by the District Magistrate is bad in law, as there is absolutely no discussion on this factual aspect.

5. Learned counsel for the State, on the other hand, raised two preliminary objections. Firstly, that the appointing authority is the Collector who passed the order for removal, and the order passed by the Collector is appealable before the Commissioner. The petitioner has come before this Court without challenging the order of the Collector before the Commissioner. Secondly, he raised that the genesis of the appointment of the petitioner has been declared illegal in light of the case of (Devmuni Paswan Vs. The State of Bihar and Ors.), vide judgment dated 25.02.2023, wherein the provision under which the petitioner was appointed was declared a nullity in the eyes of the law in L.P.A. No. 508 of 2022, which was subsequently approved by the Hon'ble Supreme Court of India in ***Special Leave to Appeal (C) No(s) SLP No. 18983 of 2023 (Bihar Rajya Dafadar Chaukidar Panchayat Vs. State of***

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Bihar and Ors.)

6. This Court, after hearing the parties, is of the view that this is not the stage for this Court to apply its mind to the legal issues on merits.

7. Hence, the present writ petition stands disposed of, granting liberty to the petitioner to challenge the order by way of filing appeal before the Commissioner concerned within 30 days from today.

8. It is made clear that the delay, if any, in filing the appeal is hereby directed to be condoned.

(Dr. Anshuman, J)

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