

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13298 of 2023

Manoj Kumar Mishra S/o Surendra Mohan Mishra Resident of Brahman Tola
Gogri, P.S. Gogri, Distt. Khagaria, Pin-851202.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary
2. The D.G.P. Bihar, Police Head Quarter, Sardar Patel Bhawan, Nehru Marge,
Patna PIN-800023.
3. The IG, Vigilance, Govt. of Bihar, Patna, 800023.
4. The D.I.G. Begusarai, Distt. Begusarai, PIn 851101
5. The S.P. Khagaria, Distt. Khagaria.
6. The SDPO, Khagaria, Distt.-Khagaria.
7. Sri Deepak Kumar, The then SHO, Mansi, Police Station, Mansi District-
Khagaria.
8. Vikram Kumar S/o Ramchandra Sahni Resident of Village-Starajepur, PO.
Lakahanpur, P.S. Bhagwanpur, Distt. Begusarai PIN 851120.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumari Rashmi, Advocate
For the Respondent/s : Mr. P.K. Shahi (AG)
Mr. Amish Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2023

The petitioner is before this Court challenging the appointment of the 8th respondent who has been allowed to work in a police station by the 7th respondent, who was the S.H.O. of the said police station without any appointment order. The petitioner had in the writ petition itself produced the F.I.R. registered against the 8th respondent. The petitioner had sought for constituting a high level S.I.T. to ascertain the truth behind



such frauds committed in the State of Bihar. It is to be pointed out that the allegation made is only against one such person being appointed against whom an F.I.R. was registered; based on which unsubstantiated allegation is made of such appointments having been made all over the State.

2. Only to ascertain facts about such appointment made and the further action, we directed the State to file a counter affidavit.

3. The State has filed a counter affidavit pointing out that an F.I.R. was registered against the 8th respondent on 31.10.2021 and on the very next day he was arrested. He is no more in employment. The 7th respondent who permitted the 8th respondent's joining has also been proceeded against by a Departmental Enquiry (Proceeding) No. 50 of 2021.

4. We are surprised that omnibus prayer for appointment of a S.I.T. is made in the year 2023 based on the allegations against which there is a proceeding already initiated by the State Government.

5. We find the Public Interest Litigation to be a clear abuse of process of Court. The petitioner is aware of the case registered against the 8th respondent: and since the 8th respondent is also arrested on the next day, the petitioner knows



that the 8th respondent is no longer employed in the police station. There are allegations made against the S.P. and Sergeant Major without impleading them in their personal capacity. This is all the more relevant since the alleged incident occurred two years back. We would not entertain the P.I.L, supervise the investigation nor are we convinced that there is any material brought on record to appoint a S.I.T. The P.I.L. is filed regarding an incident that occurred two years back, in which action has been initiated by the Department, making prayers for appointment of a S.I.T., which is more in the nature of a publicity induced litigation.

6. We dismiss the writ petition with exemplary cost of Rs. 10,000/- to be recovered from the petitioner by the Bihar State Legal Services Authority in the same manner, as is proceeded with for recovery of 'revenue due on land'; if not paid voluntarily within a period of one month.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2023
Transmission Date	

