IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 7168 of 2023

Aditya Narayan Tiwary, aged about 26 years, S/o late Sanjay Kumar Tiwary, R/o House no.1921, New Colony, Jagjivan Nagar, P.O Jagjivan Nagar, P.S Saridhella, Dist. Dhanbad, Jharkhand. **..... Petitioner**

Versus

1. State of Jharkhand.
2. Director General-cum-Inspector General of Police, Jharkhand, Ranchi, having Office at Police Headquarters, HEC, P.O & P.S. Dhurwa, Dist. Ranchi, Jharkhand.
3. Deputy Inspector General of Police (Personnel), Jharkhand Ranchi, having office at Police Headquarters, HEC, P.O. & P.S. Dhurwa, Dist. Ranchi, Jharkhand.
4. Superintendent of Police, Chatra, having office at Chatra, P.O & P.S. Dist. Chatra, Jharkhand. **.....Respondents**

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Diwakar Upadhyay, Adv.
For the Respondent : Mr. Aman Kumar, AC to SC-VI

CAV ON 19/08/2026 **PRONOUNCED ON 18/11/2026**

The instant writ application has been preferred by the petitioner for the following reliefs:-

> a) For issuance of an appropriate writ/ order/direction in the nature of 'Certiorari' for quashing the orders as contained in Memo No. 590/ Ra.Ka dated 10.04.2024, issued by the Superintendent of Police, Chatra (Resp No.4); and order bearing Memo No. 1083/W. dated 27.06.2023 issued by the Deputy Inspector General of Police (Budget), Jharkhand, Ranchi (Ann-7 Series), whereby and where under, the representation preferred by the petitioner seeking appointment on the post of Constable from Baal Police has been erroneously rejected on the ground that there is no provision for appointment on the post of Constable from Baal

Police after delay caused due to completion of education and possessing educational degree.

b) For issuance of an appropriate writ(s) /order(s) /direction(s) in the nature of 'Mandamus' commanding upon the respondents to immediately appoint/adjust the petitioner on the post of 'Constable' with all consequential benefits, as the petitioner is duly entitled for the same in light of the fact that as he was already granted compassionate appointment on the post of 'Baal Police' w.e.f 11.09.2015 vide Chatra District Order No. 2293/2015 dated 16.09.2015, in lieu of the death of his father who died in harness on 30.01.2015.

2. Briefly stated, the father of the petitioner was working with the respondent department and was posted as Constable having Brass No.13 in the Chatra District Police Force. However, he died in harness on 30.01.2015. Soon after the death of the deceased employee, the mother of the petitioner (wife of the deceased employee) namely, Smt. Kavita Tiwary made an application on 30.03.2015, seeking grant of compassionate appointment to her elder son i.e. the petitioner herein who was at that point of time aged about 17 years and was pursuing his higher studies.

Upon receipt of the aforesaid representation made by the mother of the petitioner, the petitioner being lesser than 18 years of age (as required for appointment on the post of constable) was appointed on the post of *'Baal Police'* w.e.f. 11.09.2015 vide Chatra District Order no.2293/2015 dated 16.09.2015 issued

under the signature of the Superintendent of Police, Chatra. The petitioner was allotted Brass No. i.e. Baal Police no.37 in the Chatra District Police Force.

After being appointed on the post of Baal Police, the petitioner started receiving the salary in his bank account which was paid till January 2017, and thereafter stopped in light of the fact that by 25.11.2016 the petitioner attained the age of 18 years and therefore he was relieved from the post of Baal Police. The aforesaid order of relieving the petitioner from the post of Baal Police and thereby stoppage of his salary was taken in view of Chatra District Order No.254/2017 dated 07.02.2017 issued by the Superintendent of Police, Chatra.

Thereafter, the petitioner as well as his mother wrote representation addressing to the competent authorities, however their grievances are still unheard. Hence, the present writ petition.

3. Learned counsel for the petitioner had submitted that the rules regarding appointment of *'Baal Police'* is guided by the Police Order No.209/88 dated 11.08.1988 read with Police Order No.277/2000 dated 20.07.2000, issued by the competent authority of the unified State of Bihar. The aforesaid rule has been duly adopted and implemented by the State of Jharkhand after bifurcation of the State. In the aforesaid rule

various conditions and rules for appointment on the post of *Baal Police* has been stipulated wherein Clause 8 of the Police Order No.209/88 dated 11.08.1988 states that after attainment of the age of 18 years, if a *Baal Police* is willing to be appointed on the post of Constable then such *Baal Police* shall be appointed on the post of Constable subject to the condition that the said *Baal Police* possesses the requisite physical and educational qualification for the said post.

He further submitted that the petitioner is a highly qualified person having being passed his Matriculation from Delhi Public School, Dhanbad in the year 2014, 10+2 from the Kendriya Vidyalaya, Dhanbad in the year 2016, B.A. Hons. (Pol. Science) from Dyal Singh College (evening) University of Delhi in the 2019 and M.A. in Public Administration from IGNOU in the year 2022. He further submitted that being aggrieved by the lackadaisical approach of the respondents in not granting appointment to the petitioner on the post of Police Constable, the petitioner as well as his mother wrote representation addressing to the competent authorities, however the same fell into the deaf ears of the respondents and their grievances are still unheard.

4. Learned counsel for the petitioner further contended that in the counter affidavit the only ground taken by the respondent was that he applied after 4

years and 8 months and further they have annexed a letter which was addressed to his Home Town which appears to be concocted in view of the fact that in every certificate and documents with the respondent, the address of the petitioner was at Chatra.

He reiterated that since the petitioner was appointed as *"Baal Police"*, the ground of limitation is *non-est* in the eye of law in view of the Police Order No.209/88 dated 11.08.1988.

5. Learned counsel for the respondents reiterated the stands taken in the counter affidavit and submitted that there is a rule that no relaxation in time should be given for *"Baal Police"* in becoming Police Constable after he attained majority.

Learned counsel further submitted that in the instant case, on 07.02.2017 the petitioner was discharged from the post of *Baal Police* and for the first time he approached the respondent on 07.08.2021 to become a permanent Constable which is after a delay of 4 years and 8 months.

Learned counsel further referred few documents indicating that there is no room for giving relaxation in delay.

6. Having heard learned counsel for the parties and after going through the documents available on record, especially Police Order No.209/88 (part of

Annexure-4 series); it appears that after the death of petitioner's father, who was working as Constable having Brass No.13 in the Chatra District Police Force died in harness on 30.01.2015. Pursuant thereto, the wife of the deceased employee and mother of the petitioner made an application on 30.03.2015 seeking grant of compassionate appointment to her elder son, who was at that point of time aged about 17 years.

7. As a matter of fact, from bare perusal of Police Order No.209/88, it appears that if the ward of the deceased employee is below 18 years, he will be appointed as *'Baal Police'* and accordingly upon the representation of the mother of the petitioner, the petitioner being less than 18 years was appointed on the post of *Baal Police* w.e.f. 11.09.2015 vide Chatra District Order No.2293/2015 dated 16.09.2015.

8. The record further reveals that the moment petitioner attained 18 years of age, he was relieved from service from the post of *'Baal Police'* and his salary was also stopped.

9. At this stage, it is once again relevant to refer Police Order No.209/88, wherein at Clause-8, it has been stipulated that if a *'Baal Police'* attains the age of majority and if he is interested; then the respondent department after physical examination and verification

of educational qualification can appoint the *'Baal Police'* on the post of permanent Constable.

For brevity Clause No.8 is extracted herein below:-

(8) निर्धारित आयु प्राप्त करने के उपरान्त येदि बच्चे आरक्षी पद पर नियुक्ति के लिए इच्छुक हों तथा निर्धारित शरीरिक माप और शैक्षणिक योग्यता रखते हों तो इनकी नियुक्ति आरक्षी पद पर कर ली जायेगी।

10. From bare perusal of Clause-8, it appears that if the *'Baal Police'* is interested after attaining the age of majority, then he will be appointed subject to physical and educational qualification. This word *'interest'* has significance in this case in view of the fact that it is always for the *Bal Police* who wants to be confirmed, should make an application to the respondent for getting him confirmed as Police Constable after attaining the age of majority.

11. In the instant case nothing has been brought on record to suggest that after attaining majority i.e. 26.11.2016, the petitioner had immediately made any application for confirmation as per Clause 8 of Police Order No.209/88. The only letter annexed by the petitioner (part of Annexure-6 series) is dated 20.04.2023, whereas the petitioner attained majority on 26.11.2016.

12. Having regard to the aforesaid admitted facts that the petitioner did not apply just after attaining the age of majority, the ground for rejecting the claim of the petitioner for permanent appointment as a constable does not seem to be unreasonable.

As a matter of fact, the Police Order No.209/88, especially Clause-8 which has been quoted hereinabove, clearly indicates that if the *"Baal Police"* is interested for appointment as Constable then the respondent will have to proceed with physical examination and verification of educational qualification.

13. The compassionate appointment is an exception to the general rule; therefore, this Court will not stretch the right as granted by the said Police Order. Admittedly on 26.11.2016, the petitioner attained majority and for the first time, as admitted by the parties, on 07.08.2021, he approached the respondent for permanent Constable.

Thus, it is crystal clear that the petitioner waited for about 4 years and 8 months for making an application which cannot be justified in the case of compassionate appointment.

14. One of the arguments of the learned counsel for the petitioner was that it was the duty of the respondent to send the letter to the petitioner about the offer for permanent appointment and the respondent

having *malafide* intention had written a letter to the petitioner and sent it to the home town address. From perusal of Annexure-B, it appears that the respondent department has issued a letter dated 04.02.2017, which was addressed to the permanent home town at Bihar. This letter certainly indicates that the same has been issued and addressed to the home town of the petitioner.

But even admitting the contention of the petitioner that the respondent did not send this letter to the petitioner at his present address where he was working as *Baal Police*; then also this mistake cannot give benefit to the petitioner when he was having a right to become a permanent constable, but he waited 4 years and 8 months in making first representation.

15. This delay of 4 years and 8 months certainly have bearing in the entire case in the background of the Police Order No.209/88, which is quoted hereinabove, which deals with the appointment of Baal Police and subsequent thereto its absorption on permanent constable.

16. At the cost of repetition, the petitioner has failed to bring on record any document to suggest that after getting relieved from *"Baal Police"* post and getting full and final settlement, he ever approached the respondent for absorption on the post of Police Constable before 07.08.2021.

17. Having regard to the above, no relief can be granted to the petitioner.

18. Accordingly, the instant writ application is hereby dismissed. Pending I.A., if any, also stands closed. However, no cost.

(**Deepak Roshan, J.)**

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