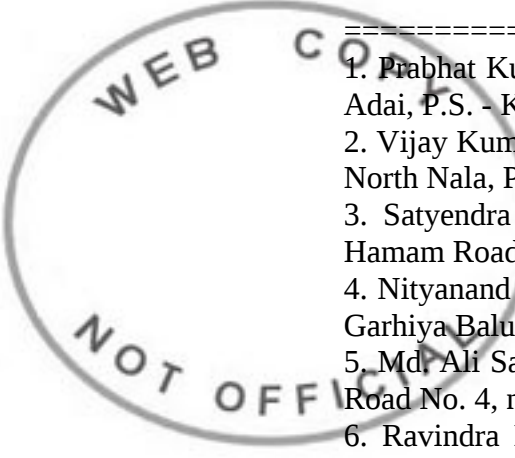


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9583 of 2015

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1. Prabhat Kumar Sinha, son of Late Balwant Prasad, resident of village & Post - Adai, P.S. - Konch, District - Gaya.
 2. Vijay Kumar Yadav, son of Sri R.B. Roy, resident of Mohalla - Punaichak, near North Nala, P.S. - Shastri Nagar, District - Patna.
 3. Satyendra Kumar Mishra, son of late Janardan Mishra, resident of Gurhatta Hamam Road, P.S. - Khajekalan, Patna City, Patna.
 4. Nityanand Chauhan, son of Jugeshwar Chauhan, Village - Balua Bathna, Post - Garhiya Balua, P.S. - Kripyanand Nagar, District - Purnea.
 5. Md. Ali Sabri, son of late S.M. Ali Asgar, resident of Haroon Nagar, Sector - 1, Road No. 4, near Sudha Dairy Project, P.S. - Phulwarisharif, District - Patna.
 6. Ravindra Kumar, son of Sri Vijay Singh Village - Haibatpur, P.O. & P.S. - Rampur Chauram, District - Arwal.
 7. Dharmendra Kumar, son of Ram Laddu Prasad, resident of Village - Narhi, P.S. - Dulhin Bazar, District - Patna.
 8. Mukesh Chandra Kumar son of late Brahma Nand Kunwar, Village & Post - Bajitpur, P.S. - Patepur, District - Vaishali.
 9. Kamal Kishore Singh son of Sri Ram Swarath Singh, resident of Village - Andaur, P.S. - Mohiuddin Nagar, District - Samastipur.
 10. Md. Irshad Alam son of late Hazi Abdul Rahim, resident of Mohalla - Shahmir Takiya, P.S. - Civil Line, District - Gaya.
 11. Ranjit Kumar Nirala son of Sri Jaikant Prasad Singh, resident of Rupas Mahaji (Barkaghar), Post - Gyaspur Mahaji, P.S. - Salimpur, District - Patna.
 12. Sunil Kumar Singh son of Sri Ram Naresh Singh resident of Village & Post - Govindchak, P.S. - Sonpur, District - Saran.
 13. Dayanand Singh son of late Raghunandan Singh, resident of Dalimapur, P.S. - Garkha, District - Saran.
 14. Sangita Kushwaha wife of Sri Vijay Kumar Singh C/o Old Apartment of late Gopal Sharan Singh, Gardanibagh, Yarpur, Road No. 1, P.S. - Gardanibagh, Patna.
 15. Ashif Eqbal Mehadi son of Md. Sayeedullah Ansari, resident of Village & Post - Neura, P.S. - Bihta, District - Patna.
 16. Ashwani Kumar son of late Maheshwari Prasad Yadav, resident of Village & Post - Janki Nagar, Via - Chopra Ramnagar, District - Purnea.
 17. Vijay Kumar Singh son of late Ram Dayal Singh, resident of Village & Post & P.S. - Sanjhauli, District - Rohtas.
 18. Jitendra Kumar son of late Baijnath Singh, resident of Durga Heritage Apartment, Flat No. 202, Jagdeo Path More, Bailey Road, P.S. - Shastrinagar, District - Patna.
 19. Arun Kumar Singh son of Sri Narayan Prasad Singh, resident of Tapshri Apartment, Flat No. 301, Rajendra Nagar, Road No. 12, P.S. - Kadamkuan, District - Patna.
 20. Gopal Prasad son of late Ram Lakhan Prasad, resident of Village - Chatrabadh, Post - Fekna, P.S. - Garwal, District - Balia (U.P.)
 21. Kumari Bandana W/o Sri Narmadeshwar Kumar Srivastava, resident of Siyasan Palace, Flat No. 104, Ara Garden Road, Bailey Road, Patna.
 22. Subodh Kumar Singh son of Dinesh Singh, resident of Lachuwah, P.S. - Sikandara, District - Jamui.
 23. Munir Alam son of late Mohammad Muslim, resident of R.K. Nagar, (near Masjid), F.C.I. Road, Phulwarisharif, P.S. - Phulwarisharif, District - Patna.

24. Shubhankar son of Sri Bachna Nand Mandal Azad Colony, Post - Bhatta Bazar, District - Purnea.
25. Uday Kumar son of late Deo Nandan Singh B/183, Police Colony, Anishabad, District - Patna.
26. Mohan Kumar son of Sri Vidyapati Singh resident of Village - Lakshmna Chapra, P.S. - Dokti, District - Balia (U.P.)
27. Ratnesh Kumar Jamadar son of late Ram Bilas Jamadar resident of village - Kachnahar, Post - Garh Banaili, P.S. - Jalalgarh, District - Purnea.
28. Vednath Pathak Vaidik son of Sri Bhavesh Nath Pathak, resident of village & Post - Bhaisdira, P.S. - Barari, District - Katihar.
29. Sunil Kumar Mandal son of late Rajanandan Mandal, resident of Village - Dumariya, P.S. - Narpatganj, District - Araria.
30. Birendra Prasad Yadav son of Satya Narayan Yadav, resident of village - Nanpatti, Post - Narhima, P.S. - Lokahi, District - Madhubani.
31. Nishikant Nishi son of Sri Ram Mishra, resident of village - Indraya Kala, Post - Kastar Mahadev, P.S. - Bikramganj, District - Rohtas.
32. Aditya Kumar Son of Jagdish Prasad, resident of Aga Hussain Ka Chauraha, near Chhoti Masjid, Post - Begampur, Patna City, District - Patna.
33. Jahangir Ansari son of late Reyazuddin, resident of Village - Darji Bigha, Post & P.S. - Madanpur, District - Aurangabad.
34. Kailas Prasad son of late Dhannu Mahto, resident of Village - Baliya Bujurg, Post - Rajhat (Akbarpur), P.S. - Akbarpur, District - Nawadah
35. Prashant Kumar son of Sri Ganpat Prasad, resident of Village & Post - Kachra, P.S. - Sour Bazar, District - Saharsa.
36. Ashok Kumar son of late Ram Chandra Prasad, resident of Village - Aliganj, P.S. - Chandradweep, District - Jamui.
37. Manju Singh wife of Sri Birendra Singh, resident of Village - Harnath Dih, P.S. - Tarari, District - Bhojpur.
38. Shambhu Yadav son of Sri Uchit Yadav, resident of Village - Tulsi Tola Paharpur, P.S. - Balia, District - Begusarai.
39. Lalit Vijay Tiwary son of Sri Janardan Tiwary, resident of Village - Biyaman, P.S. - Krishna Brahm, District - Buxar.
40. Abrar Ahmad Khan son of Sahabuddin Khan, resident of village - Padrauna, P.S. - Barharia, District - Siwan.
41. Niranjan Kumar Chaurasia son of Late Jokhan Prasad Chaurasia, resident of Village + P.S. - Durgawati, District - Kaimur.
42. Rajesh Kumar son of Late Bilash Prasad, resident at Mohalla - New Patna Colony, Beur (Near Indian Institute), P.S. - Beur, Patna.
43. Jai Shankar Prasad Yadav son of Bechai Yadav, resident of Village + P.S. - Maharajganj, Distt - Azamgarh (U.P.).
44. Hari Ojha son of Sri Sheo Gopal Ojha, resident of Village - Nimez, P.S. - Brahampur, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home (Police) Department, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Director General of Police (Headquarter), Bihar, Patna.
5. The Additional Director General of Police (Headquarter), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak

For the Respondent/s: Mr. Ashish Kumar Lal, AC to GA12

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-10-2015

Petitioners have filed the writ application for grant of promotion on the posts of Inspector on the basis of recommendation of the Board of Director General of Police. It is their case that the Board made recommendation for promotion on 16.6.2014 but because of general directive, issued by the General Administration Department on 12.8.2014, all such promotions were kept in abeyance.

The reason for issuance of such a directive was pendency of writ application challenging reservation in promotion for Scheduled Caste and Scheduled Tribe candidates. Writ application has been allowed and the judgment has been even affirmed by the Division Bench. Merely because State has preferred an SLP in which no order of stay or otherwise has been passed, it will be inequitable for the respondents in the changed circumstance to await the final outcome of the decision of the Hon`ble Apex Court, especially when many of these claimants have been recommended for promotion and losing out on the advantage of holding higher post and responsibility everyday.

This Court had occasion to deal with such matters relating to other departments as well and it came to a considered

opinion that promotions ought to be granted to such persons who have already been recommended by the DPC with a rider that such promotion will be subject to the outcome of the SLP and promotion orders will not create a substantive right in case the decision of the Apex Court goes against the interest of such employees.

Writ application stands disposed of with a direction that the respondent authorities will issue necessary orders for promotion of all eligible candidates, preferably, by 31st December, 2015.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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