

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3075 of 2015

Shyam Kumar Singh aged about 49 years son of Late Kamaldeo Singh resident of village post south Kasraur , P.S. Ghanshyampur, District Darbhanga, at presently posted as Incharge Director cum Chief State Examiner of Questioned Documents Police Laboratory Criminal Investigation Department having his office near Lalit Bhawan , P.S. Shastri Nagar, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief secretary , Govt. of Bihar having his office at old secretariat , P.S. Sachivalaya, District Patna.
2. The Principal secretary General Administration Department having his office at old secretariat , P.S. Sachivalaya, District Patna.
3. The Principal secretary , Home Police Department having his office at old secretariat , P.S. Sachivalaya, District Patna.
4. The Director General of Police, Bihar, Patna having his office at old secretariat , P.S. Sachivalaya, District Patna.
5. The Additional Director General of Police C.I.D. Bihar, Patna having his office at old secretariat , P.S. Sachivalaya, District Patna.
6. The Bihar Public Service Commission through its Chairman having his office at 15 Bailey Road , P.S. Shastri Nagar , District Patna.
7. The Joint Director , Home Police Department having his Office at old secretariat , P.S. Sachivalaya, District Patna.

.... .... Respondent/s

**Appearance :**

|                        |                                     |
|------------------------|-------------------------------------|
| For the Petitioner/s : | Mr. Man Mohan, Advocate             |
|                        | Mr. Mukteshwar Dayal, Advocate      |
|                        | Mr. Vikas Mohan, Advocate           |
| For the State :        | Mr. Sunil Kumar Ravi, AC to AAG-III |
| For the B.P.S.C.:      | Mr. Ranjit Sinha, Advocate          |
| For the Intervener:    | Mr. Rupak Kumar, Advocate           |

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
ORAL JUDGMENT  
**Date: 04-05-2015**

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**04.05.2015**

I. A. No. 3305 of 2015 filed on behalf of Mr.



Raju Chaudhary to intervene in the present writ application is hereby rejected, because the issue raised by him in the Interlocutory Application forms an independent cause of action and a right, if any, for which petitioner has remedy. He cannot intervene in the present writ application, because the Court will not grant any benefit to him in the present writ application, because the adjudication will be confined to the right of the present petitioner to be either promoted or not promoted. The intervener, therefore, may pursue his right, independent of the present writ application.

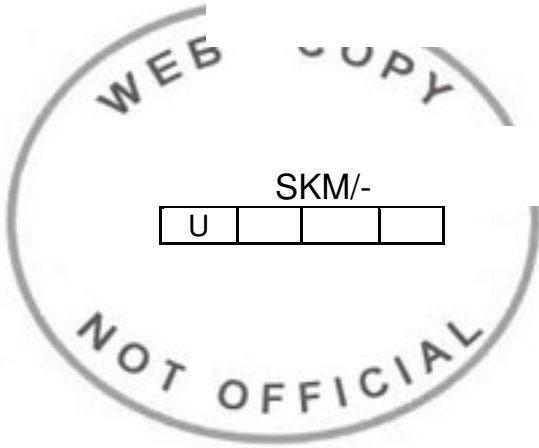
The Court does not get an answer as to why the respondents are playing dilatory tactics in taking a decision for grant of regular promotion on the post of Chief State Examiner of Questioned Document-cum-Director in Police Laboratory Home (Police). Enough of pleadings have been exchanged. The Court gets a clear indication that the respondent-authorities, whoever they are, do not seem to be interested in taking a final decision on the claim of the petitioner. There are one hundred reasons as to why the decision could not be reached, if the respondent-authorities do not want to reach a decision. The Court has seen that the DG Board has met and decided in its meeting on 26<sup>th</sup> of June, 2013



to grant benefit of promotion to the petitioner. However, when the matter reached the DPC, yet another objection for the sake of objection was raised by the Principal Secretary, General Administrative Department, relating to roster clearance. The DG Board in its meeting had clearly opined that “no roster clearance was required with regard to single post”.

All these decisions have dragged on for years together. The time has now come for the respondents to take a final decision on the claim of the petitioner and in this regard a direction is issued upon the Principal Secretary (Home), Police Department as well as the Principal Secretary, General Administrative Department including the DG (Police), i.e., Respondent Nos. 2, 3 and 4 that a final decision on the claim of the petitioner will be taken by 29<sup>th</sup> of June, 2015 and order duly notified. If it is not done all the three respondents will be held personally liable for failure to carry out the direction of the Court. The Court is not inclined to grant further time and adjournment to the State counsel to seek instructions on issues which are no issues as such because counter affidavit has already been filed by various respondents which does not make out a case that the petitioner does not have a right of consideration.

Writ application is disposed off in terms of  
above.



(Ajay Kumar Tripathi, J.)