

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2194 of 2014

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1. Fuldeo Singh S/O Late Tapeswar Singh Resident Of Village + P.O.- Khairwan
Darp, P.S.- Sheohar, Distt.- Sheohar

.... Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Govt. Of Bihar, Patna
2. The Inspector General of Police (B.M.P.), Patna
3. The Dy. Inspector General of Police (B.M.D.), North Circle, Muzaffarpur
4. The Commandant, Bihar Military Police -13, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms P.Sharma

For the Respondent/s : Mr. AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-10-2015

Heard counsel for the petitioner and counsel for the State.

It is a stale kind of claim which is sought to be raised by the petitioner many years after he superannuated and many years after he enjoyed benefit of promotion.

The present writ application has been filed challenging Annexure- 2, which is an order of rejection dated 13th of October, 2011 refusing to shift the date of promotion of the petitioner on the post of a Havildar with effect from the year 1982. Merely because the petitioner became eligible for consideration for promotion it does not become a right for grant of promotion from the date of eligibility. The person must satisfy various parameters for consideration of such grant and it is evident from reading of Annexure- 2 that the petitioner's service has not been satisfactory.

There are as many as 11 punishments recorded in his service book and therefore, he was not granted promotion from an early date. Petitioner had been subsequently granted promotion as Havildar but in the given facts, Annexure- 2 does not require any interference. No case for shifting of date for grant of promotion is made out in the above facts.

Counsel for the petitioner relies on the ratio of a decision rendered in ***R.S.Rana v. State of Bihar reported in 2000 (3) PLJR 335***. From a reading of the said decision, it is evident that the facts being totally different to the present writ application, the principles enunciated therein is not a matter of dispute but its applicability is the question.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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