

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8313 of 2008

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Jeetendra Singh son of late Paras Nath Singh, resident of Village – Gangajal, P.O. –
Kharika, P.S. – Sonapur, District – Saran (Chapra).

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Home (Police) Department, Government of Bihar,
Patna.
3. The Director General-cum-Inspector General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna Zone, Patna.
5. The Inspector General of Police (Incharge Personnel), Police Headquarters,
Patna.
6. The Deputy Inspector General of Police, Central Range, Patna.
7. The Deputy Inspector General of Police (Administration), Patna.
8. The Superintendent of Police, Nalanda at Biharsharif.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shyama Prasad Mukherjee, Sr.Adv.
Mr. Shanti Pratap, Adv.

For the State : Mr. A.K.Chaudhary, (A.A.G.13)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 02-04-2015

Heard Sri Shyama Prasad Mukherjee, learned senior
counsel, who was assisted by Sri Shanti Pratap, learned counsel for
the petitioner and Sri Ashok Kumar Chaudhary, learned Addl.
Advocate General – 13.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for
quashing of an order contained in Memo No. 3342 dated 21-07-2005
issued under the signature of Assistant to Inspector General of Police
(Inspection), Bihar, Patna, whereby the representation filed by the



petitioner in compliance with the order dated 08-04-2005 passed in C.W.J.C. No. 3163 of 2000 has been rejected. The petitioner has also prayed for quashing of order dated 24-10-2005 passed by the Director General of Police-cum-Inspector General of Police, Bihar, Patna communicated vide Memo No. 5044 dated 24-10-2005, whereby representation of the petitioner was rejected. It has been prayed for directing the respondents to consider his case for promotion to the post of Assistant Sub-Inspector on the ground that the petitioner finally passed an examination, which was held by the Police Training College, Hazaribagh in the month of December, 2000, vide **Annexure '5'** to the writ petition. It has been pleaded that since petitioner has already passed examination held by the Police Training College, as per rule, he was required to be considered for promotion as Assistant Sub Inspector, however; the order impugned i.e. **Annexure '1'** has illegally been passed.

Sri Mukherjee, learned senior counsel appearing for the petitioner submits that ofcourse, on earlier occasions, though petitioner appeared in examination and failed, but finally in 2000, he has been declared pass by the Police Training College and as such, the petitioner has obtained requisite qualification for being considered for promoted as A.S.I.

In this case, a counter affidavit has also been filed by the

respondent no. 7.

Sri Ashok Kumar Chaudhary, learned Addl. Advocate General – 13 opposing the prayer of the petitioner submits that it is true that in the year 2000, the petitioner has been declared pass by the Police Training College, but fact remains that continuously the petitioner had appeared in the said examination and thrice failed and as such, in view of Police Order, contained in **Annexure R/2**, the petitioner was not entitled to be promoted as Assistant Sub-Inspector of Police. Sri Chaudhary, while referring to clause 8 of the said Police Order, submits that for general category, there was provision that two opportunities shall be granted for passing the examination for being considered for promotion as Assistant Sub-Inspector, but since the petitioner failed in the examination, held in the year 1995, 1998 & 1999, the case of the petitioner is not fit for being considered for promotion to the post of A.S.I.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. This is the third attempt for the same relief. Earlier, the petitioner filed a writ petition, which was disposed of, thereafter, again writ petition was filed, which too was disposed of with direction to consider the representation of the petitioner and thereafter, finally, the case of the petitioner was considered by the concerned authority, in compliance with the order

of the writ court i.e. order dated 08-04-2005 passed in C.W.J.C. No. 3163 of 2000. It is true that petitioner had finally passed in the examination of Police Training College, but fact remains that thrice he failed in the said examination and as such, as per Police Order, he was not entitled to be considered for promotion as Assistant Sub Inspector. Moreover, it has been accepted by learned counsel for the petitioner that during the pendency of the writ petition, the petitioner has already retired from the service.

In view of facts and circumstances, I do not find any ground to pass any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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