

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1918 of 2012

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1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
 2. Director, General cum Inspector General of Police, Bihar, Old Secretariat, Patna
 3. The A.I.G., Welfare, Bihar Old Secretariat, Patna
 4. The S.P. Muzaffarpur

.... Appellant/s

Versus

Jagannath Pandey Son Of Late Mamdhari Pandey Resident Of Village & P.O. & P.S. - Nawanagar, District - Buxar At Present Retired

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kr. Mandal, SC-24
Mr. Bipin Kumar, AC to SC-24

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 22-04-2016

Heard learned counsel for the State and perused the order of the learned Single Judge dated 28.07.2011, passed in C.W.J.C. No. 5367 of 2009 We are not inclined to entertain this appeal, as we find no error in the order of the learned Single Judge.

The writ petitioner had sought promotion to the post of Sub-Inspector from the day his juniors were given promotion and as the petitioner has since retired, his retiral dues be adjusted accordingly. The learned Singh Judge allowed the writ petition in spite of objection raised by the State that the writ petitioner not being

a matriculate he could not be promoted as Sub-Inspector. On behalf of the State, it was further urged that he could not even be promoted to the post of Assistant Sub-Inspector as the qualification required was minimum matriculation, which the writ petitioner never possessed. The learned Single Judge noticed the fact that the writ petitioner was selected and appointed as matriculate constable. He was then promoted as Assistant Sub-Inspector which required the minimum qualification of matriculation. Now 28 years after promotion of the writ petitioner as Assistant Sub-Inspector, and after he had superannuated in the year 2002, in our view, rightly so, the learned Single Judge held that this question can not be permitted to be raised by the State.

We, thus, find no error in the order of the learned Single Judge. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh/-

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