

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9688 of 2014

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Anjani Kumar Shrivastava Son of Late Raja Lall Shrivastava resident of quarter no. B/133 Police Colony, Police Station- Gardanibagh, P.O- Anisabad, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police (Head Quarter), Bihar, Patna.
5. The Deputy Inspector General (Personnel) Bihar, Patna.
6. The Chairman, Bihar Public Service Commission, Patna.
7. The Secretary Bihar Public Service Commission, Patna.
8. Special Executive Officer, Bihar Public Service Commission, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
For the State : Mr. Vivek Prasad, GP 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the petitioner and the respondent State.

2. Writ petition has been filed challenging the order dated 27.09.2013 bearing memo no. 2799/P-2 issued by the Inspector General of Police (Headquarter), Bihar Patna (for short 'IG of Police').

3. The petitioner had earlier approached this Court by filing writ petition, CWJC No. 2742 of 2002 complaining that his promotion as Steno Sub-Inspector was withdrawn under order dated



08.02.2002 and he was reverted to the post of Steno Assistant Sub-Inspector. This Court on 25.07.2012 remanded the matter after quashing the said reversion order. The remand was on the ground that the petitioner had not been heard/no opportunity was granted to him before the order cancelling his promotion was issued. Subsequent thereafter, the petitioner has been afforded an opportunity of hearing and the order dated 27.09.2013 has been passed by the respondent authorities.

4. The petitioner's counsel submits that again the respondents have committed the same mistake by taking into consideration petitioner's position at serial no. 110 in gradation list so as to recall his order of promotion.

5. Placing reliance on his position in the provisional gradation list dated 20.12.1997, at serial 38 the petitioner submits that the promotion which was granted to him was in accordance with law and therefore, the same should not be interfered with by reverting him to the lower post of Steno Assistant Sub-Inspector.

6. Counsel for the State, on the other hand, has submitted that the petitioner cannot derive any benefit from his position in the provisional gradation list dated 20.12.1997. It is submitted that serial no. 38 was not the petitioner's due position since other who had better claim had been placed below him in the provisional gradation list



dated 20.12.1997.

7. This Court is not inclined to go into the aforesaid issue since till date there is nothing on record to show that the provisional gradation list dated 20.12.1997 has ever been finalized.

8. As of today the only basis for determining the *inter se* seniority is the merit list of Steno Assistant Sub-Inspectors which was recommended by the BPSC way back on 24.03.1994 (Annexure 9). Admittedly the petitioner is at serial no. 110 in the said merit list which is the position accorded to the petitioner pursuant to the directions and order of this Court passed on the petitioner's earlier writ petition bearing C.W.J.C. No. 2690 of 1987 under order dated 10.04.1990.

9. The said position of the petitioner at serial no. 110 in the merit list is admitted, and has never been challenged by the petitioner. Since there is no other final determination of *inter se* seniority amongst the Steno Assistant Sub-Inspector, the impugned order dated 27.09.2013 has rightly relied upon the petitioner's position at serial no. 110 in the said merit list so as to consider whether he was duly granted the promotion as Steno Sub-Inspector, or whether it was undue.

10. The consideration made in detailed by the order dated 27.09.2013 does not call for interfere in the instant proceedings. The



I.G Police (Headquarter) therefore, has rightly considered the matter with reference to the only final and conclusive determination of *inter se* seniority under the merit list dated 24.03.1994.

11. This Court does not find any reasons to interfere with the order dated 27.09.2013.

12. Writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

