

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14024 of 2005

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Krishna Bihari Prasad S/o lae Satyadeo Prasad resident of Mohall Tiwary
Matihania, Prasad S/o late Satyadeo Prasad Resident of Mohalla Tiwary Matihania
P.O Sipaya P.s. Kuchai Kot Bishwabharbar Dist. Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Home Commissioner Govt. of Bihar Old Secretariat, Patna.
2. The Home Commissioner, Govt. of Bihar Old Secretariat, Patna.
3. The Director General of Police, Govt. of Bihar, Old Secretariat, Patna.
4. The Inspector General of Police (Administration) Govt. of Bihar Old Secretariat, Patna
5. The Dy. Inspector General of Police (Head Quarter) Bihar, Old Secretariat, Patna.
6. The Deputy Secretary, Home Department, Govt. of Bihar, Old Secretariat, Patna.
7. The Departmental Promotion Committee through its Chairman, Bihar Public Service Commission 15th Baily Road, Patna
8. The Chairman, Bihar Public Service Commission 15 Baily Road Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sachidanand Kishore Prasad, Advocate
For the State : Mr. Ac to GA 4.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 06-03-2018

It appears from the order dated 13.09.2010 that though this Court had admitted the instant writ application and directed the respondents State to file counter affidavit but till date the same has not been done.

2.The counsel for the petitioner submits that the case lies in a very narrow compass in as much as the petitioner in the



promotion list dated 04.03.1999 is at serial no. 26 whereas one Gangesh Sharma, is at serial no. 39.

3. It is submitted on behalf of the petitioner that though the said Gangesh Sharma, is junior to the petitioner his promotion to the post of Deputy Superintendent of Police has been shifted back and made with effect from 01.06.1994. He submits that since the said Gangesh Sharma, is junior to the petitioner he would also be entitled for shifting back his promotion from 04.03.1999 to at least 01.06.1994.

4. In view of the aforesaid fact, no useful purpose would be served by keeping the instant writ petition pending. If there is no other legal impediment in granting promotion to the petitioner with effect from the said date i.e. 01.06.1994 then the petitioner would also be entitled to the same. The matter may therefore, be examined by the respondent no. 2 and if the said Gangesh Sharma is found junior to the petitioner, the petitioner would also be entitled for shifting back of his date of promotion to the post of Deputy Superintendent of Police with effect from 01.06.1994.

5. The respondent no. 2 may take final decision in respect of the claim of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order. If the petitioner is



found eligible for shifting back his promotion, the respondent no. 2 shall pass a necessary order in accordance with law.

6. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.03.2018
Transmission Date	

