IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3975 of 2017

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1. Pradip Kumar Datta, S/o Late Lal Mohan Datta, Bihar Military Police 15, Valmiki Nagar, Bagaha Camp, B.M.P.-6, P.O.- B.M.P.-6, Muzaffarpur, P.S.- Mithanpura, District- Muzaffarpur.
2. Bechan Prasad, S/o Late Ropna Sahu, B.M.P- 15, Valmiki Nagar, Bagaha Camp, B.M.P.-6, Muzaffarpur, P.S.- Mithanpura, District- Muzaffarpur.
3. Ashok Kumar Singh, S/o Kailash Singh, B.M.P- 15, Valmiki Nagar, Bagaha Camp, B.M.P.-6, Muzaffarpur, P.S.- Mithanpura, District- Muzaffarpur.

... ... Petitioners

Versus

1. The State of Bihar through Director General of Police, Bihar, Old Secretariat Building, Patna.
2. The Additional Director General of Police, Bihar Military Police, Sai Tara Complex, I.A.S. Colony, New Bailey Road, Patna.
3. The Principal Secretary, General Administration Department, Old Secretariat Building, Patna.
4. The Deputy Inspector General of Police, B.M.P., Patna/Muzaffarpur.
5. The Principal Secretary, Home Department, Old Secretariat Building, Patna.
6. The Commandant, B.M.P.- 15, Valmiki Nagar Camp, B.M.P.- 6 Muzaffarpur, P.S.- Mithanpura, District- Muzaffarpur.
7. The Principal Secretary, General Administrative Department, Govt. of Bihar, Parishad Secretariat building, Patna.

... ... Respondents

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Appearance :
For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate
For the Respondent/s : Mr. Partha Sarthi -GA-4
Mr. Apurva Kumar, A.C. to G.A.-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date : 05-10-2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. In this case, the petitioners have raised a grievance that their case should be considered for promotion to the post of

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Sub Inspector (Arms) as at present they are holding the post of Assistant Sub Inspector (Arms).

3. Basically, the petitioners have entered into the service as constable, whereafter they were promoted on the post of Assistant Sub Inspector (Arms) on 26.08.2010. The petitioners are claiming that they are senior to Ram Udit Ram and Rizwan Ahmed Khan. However, this fact has been refuted by the State in its counter affidavit. So this aspect whether the petitioners are junior or senior to Ram Udit Ram and Rizwan Ahmed Khan, is not being adjudicated at this stage. But, learned counsel for the petitioners submits that number of posts are vacant and their cases should be considered for promotion to the post of Sub Inspector.

4. Let the authority consider the case of these petitioners and others for promotion on the post of Sub Inspector (Arms) and if it is found that the petitioners comes under the zone of consideration for promotion and satisfy all the qualifications for promotion, in such circumstance, the competent authority shall consider their case for promotion and take decision in accordance with law within a period of four months from the date of receipt / production of a copy of this order.

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5. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	12.10.2018
Transmission Date	N/A.

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