

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1576 of 2015

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Raj Kumar Choudhary Son of Late Ram Lakhan Choudhary, Resident of Mohalla-
Magarhatta, P.S.- Hazipur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Deputy Secretary, Department of Registration,
Custom & Excise, Govt. of Bihar, Patna
2. The Commissioner, Department of Registration, Excise & Prohibition, Govt. of
Bihar, Patna
3. The Secretary, Department of Registration, Excise & Prohibition, Govt. of Bihar,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Pramod Mishra, Advocate

For the S t a t e : Ms Prachi Pallavi, AC to AG

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 14-03-2018

Heard learned counsel for the petitioner as well as the
learned counsel for the respondent-State.

2 In view of the limited nature of prayer being made by
the learned counsel for the petitioner, the writ petition is being taken
up for final disposal.

3 It is submitted by the learned counsel for the petitioner
that in view of developments subsequent to filing of the instant writ
petition, as of today, the order of punishment (Annexure A to the
counter affidavit) cannot be made the basis of denying the petitioner
consideration of his claim for promotion to the post of Inspector



(Excise) since the allegations/omission in respect of an incident occurred in December, 2012 and the punishment of withholding of three annual increments without cumulative effect, have outlived their validity in December, 2015. He submits that in view of the aforesaid submission, which is fortified by the judgment of this Court in the case of *Laxman Singh –Versus- State of Bihar & Others, 2014 (3) PLJR 782*, the petitioner would be entitled to consideration of his case after three years of the date of the alleged misconduct/omission.

4 In view of the aforesaid submission, this Court would dispose of the petitioner’s writ petition granting him liberty to place these facts before the respondent-authorities in light of the settled legal position, as observed hereinabove. If such claim is made by the petitioner, the respondent-authorities would be obliged to consider the same expeditiously in accordance with law.

5 The writ petition stands disposed of.

(Madhuresh Prasad, J)

ME.H./-

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CAV DATE	
Uploading Date	
Transmission Date	

