

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17922 of 2008

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Anjani Kumar Sinha, son of late Gopal Krishna Prasad, Resident of Mohalla Sipahi Tola, Shastrinagar, P.S. Purnea, Distt. Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Range, Darbhanga.
4. The Deputy Inspector General of Police, Koshi Range, Saharsa.
5. The Superintendent of Police, Madhepura.
6. The Home Secretary, Government of Bihar, Patna.
7. The Chairman, Departmental Promotion Committee, Police Secretariat, Old Secretariat, Patna, Bihar.
8. Bihar Public Service Commission, Patna through its Chairman.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 5757 of 2009

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Anjani Kumar Sinha, son of late Gopal Krishna Prasad, Resident of Mohalla Sipahi Tola, Shastrinagar, P.S. Purnea, Distt. Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Additional Director General of Police, (Head Quarter), Bihar, Patna.
4. The Inspector General of Police, Darbhanga Range, Drbhanga.
5. The Deputy Inspector General of Police, Koshi Range, Saharsa.
6. The Superintendent of Police, Madhepura.
7. The Home Secretary, Government of Bihar, Patna, Old Secretariat, Patna.
8. The Chairman, Departmental Promotion Committee, Police Headquarter, Old Secretariat, Patna, Bihar.
9. Bihar Public Service Commission, Patna through its Chairman.

.... Respondent/s

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Appearance :

(In CWJC No.17922 of 2008)

For the Petitioner/s	:	Mr. Choudhary Shyam Nandan, Adv. Mr. Sanjay Kumar Singh, Adv.
For the BPSC	:	Mr. Subodh Chandra Jha, Adv. J.C. to Mr. Kumar Kumar Brajendra Nath, Adv.
For the State	:	Mr. Brajesh Kumar, AC to AAG-4

(In CWJC No.5757 of 2009)

For the Petitioner/s	:	Mr. Choudhary Shyam Nandan, Adv. Mr. Sanjay Kumar Singh, Adv.
For the BPSC	:	Mr. Subodh Chandra Jha, Adv.



For the State J.C. to Mr. Kumar Kumar Brajendra Nath, Adv.
: Mr. Brajesh Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 09-01-2018

Heard learned counsel for the petitioner and counsel for the State as also counsel for the B.P.S.C.

In the present cases, the petitioner was appointed on the post of Sub-Inspector in the 1975 batch, a claim has been made for his promotion to the post of Inspector on 14.2.1986 and the same was confirmed on 1.2.1993. While he was posted as Inspector, Madhepura, in a criminal case, he submitted the Supervision Report but, that was found to be wrong and, on that account, a departmental proceeding was initiated and the Superintendent of Police, Shupaul was made enquiry officer who submitted a report and the D.I.G., Kosi Division, Saharsa has inflicted the punishment vide order dated 16.2.2007 of one black-mark equivalent to forfeiture of six months increment which is a major punishment. The petitioner filed an appeal before the appellate authority i.e. I.G., Darbhanga Region who vide Memo No. 412 dated 7.3.2008 quashed the order of D.I.G., Saharsa. The D.G.P. has called for the entire record of departmental proceeding, set aside the order of the I.G. Darbhanga and affirmed the order passed by the D.I.G., Saharsa. The case of the petitioner was for promotion, was sent to the departmental promotion committee which



was kept under sealed over on account of pendency of the departmental proceeding. After the effect of the punishment, it appears from the counter affidavit filed on behalf of the respondent no.2, the case of the petitioner was recommended for promotion to the post of Dy.S.P. and the matter was referred to the Departmental Promotion Committee which failed to consider the case of the petitioner for promotion on the ground that by that time he superannuated from service. When the matter of grant of promotion of the petitioner was referred, he was there in service but, because the petitioner has superannuated from service, the Departmental Promotion Committee refused to consider but, should have considered. The action of the Departmental Promotion Committee cannot be approved merely because the petitioner has superannuated, cannot be a basis for non-consideration of the case of the petitioner.

In that view of the matter, this Court directs that the case of the petitioner be again referred to the Departmental Promotion Committee which will consider the case of the petitioner for promotion on its merit without being swayed away by the superannuation and if it is found that the petitioner was fit for promotion, he should be given the benefit of promotion to the post of Dy.S.P. notionally from the due date with all consequential benefit.

With the aforementioned observation and direction, both



the writ applications are disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2018
Transmission Date	NA

