

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5971 of 2015

=====

Uday Kumar Singh, son of late Satya Narayan Singh, resident of Mohalla-Barai,
P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna
4. The Additional Director General of Police, Crime Investigation Department, Old Secretariat, Bihar, Patna.
5. The Additional Director General of Police, Headquarter, Old Secretariat, Bihar, Patna
6. The Inspector General of Police, Crime Investigation Department, Old Secretariat, Bihar, Patna.
7. The Deputy Inspector General of Police, Crime Investigation Department, Old Secretariat, Bihar, Patna.
8. The Director, Photo Bureau, Near Lalit Bhawan, Patna.
9. The Superintendent of Police, Crime Investigation Department, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr Rajiv Kr Verma, Sr Advocate with Mr Prashant Sinha, Advocate
For the S t a t e	:	Mr Raghwanand, GA XI with Mr Sanjay Kr Tiwari, AC to GA XI

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 10-01-2018

Heard the Senior Counsel for the petitioner and the
respondent-State.

2 On the strength of Annexure 5, which is submitted to
be a recommendation for promotion of the petitioner on the post of
Sub Inspector in the Photo Bureau, he claims that he was entitled to
such promotion. In view of such recommendation, it is submitted by
the petitioner that the letter dated 21.10.2014 issued by the Director



General of Police, Bihar purports to take away a vested right, which was created in his favour by Annexure 5 which is dated 13.09.2013.

The brief facts, as stated by the petitioner, is that pursuant to his being posted in the Photo Unit of the Crime Investigation Department (for brevity, *CID*) by Annexure 1, he has been working as Assistant Sub Inspector in the Photo Unit since the year, 1990 and that in view of the said recommendation issued by Annexure 5, he is entitled to be promoted on the post of Sub Inspector in the Photo Bureau.

3 The petitioner had earlier approached this Court by filing *CWJC No 4354 of 2014* which was disposed of by granting the petitioner liberty to make a representation for consideration of his case with respect to his claim for promotion on the post of Sub Inspector in the Photo Bureau. By the time, the said writ petition was disposed of, the Superintendent of Police, CID had already sought guidelines from the office of the Director General of Police, Bihar by placing the relevant facts with respect to the promotions being sought on the post of Sub Inspector in the Photo Bureau by the petitioner and other similarly situated persons. In the said letter, which is Annexure 9 series dated 10.12.2013, three issues have been raised. First is with regard to the anomalous situation created by posting of Constables of the general cadre such as the petitioner as Assistant Sub Inspector in



the Photo Bureau whereas other similarly situated persons continue to be Constables in the general cadre. The second is that the same is not in accordance with the provisions contained in Appendix 22 of the Bihar Police Manual and the third is that there is no sanctioned post available on which the promotion can be granted to the petitioner or other similarly situated persons. In response to the same, the Department has come out with the impugned letter dated 21.10.2014 wherein it has finally been decided that the promotion to the post of Sub Inspector even though posted in the Photo Bureau will also be done along with other police personnel of the general cadre on the basis of fulfilling the qualifications prescribed for general cadre.

4 The said decision is based on the fact that there is no separate cadre for the Photo Bureau which has ever been created and secondly that the petitioner, who is relying on Appendix 22 of the Bihar Police Manual, was never appointed as a junior expert directly as is contemplated under the said Appendix. Even the minimum qualifications, which are prescribed therein being Intermediate or its equivalent with practical experience of five years in the field of Photography, are lacking in respect of the petitioner.

5 In view of the aforesaid, the Department has held that the petitioner and other similarly situated persons are not entitled to consideration for promotion to the post of Sub Inspector. The said



reasons appear to be justified on a conjoint reading of the letter dated 10.12.2013 issued by the Superintendent of Police, CID whereby he has sought the guidelines and the letter dated 21.10.2014 issued by the Director General of Police in response thereto which are Annexure 9 series.

6 For the aforesaid reasons, petitioner is not entitled to any relief under the writ jurisdiction. The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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

