

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12693 of 2014**

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Surya Narayan Singh son of Late Nikhidhi Singh resident of Village-  
Bhattadasi, P.S.- Raja Pakar, District- Vaishali, Posted as A.D.M., Lakhisarai,  
P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, General Administration  
Department, Govt,. Of Bihar Patna
2. The Principal Secretary, General Administration Department, Government  
of Bihar, Patna.
3. The Deputy Secretary, Department of General Administration, Government  
of Bihar, Patna.

... .. Respondents

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**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr.Anand Kumar Ojha         |
| For the Respondent/s | : | Mr. Kinkar Kumar, SC 9      |
|                      |   | Mr. Zahir Haque, AC to SC 9 |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      06-05-2019                      Heard learned Counsel for the petitioner and the  
learned Counsel for the respondent State.

Counsel for the petitioner submits that the  
respondents should consider promoting him as Joint Secretary  
or post equivalent to Joint Secretary in the pay band of Rs.  
37,400 – 37,000/- Grade pay Rs. 8,700.

The respondents have placed on record their stand. It  
is submitted by the State Counsel that the prerequisite for  
consideration for promotion, is the personal appraisal of “Very  
Good” in the ACR report for 36 months out of the last five years  
prior to consideration by the DPC. The petitioner has got “Very



Good” for 32 months and, as such, he is not fit to be considered for the promotion.

Mr. Ojha, appearing for the petitioner, submits, with reference to the proforma of performance appraisal report for Bihar Administrative Service Officers, that the same contemplates that the reviewing authorities should review the report submitted by the Reporting Authority and then only the same has to be accepted by the appointing authority. He submits that with respect to the four months which have been found to be less than “Very Good” the reports have directly been sent from the Reporting Authority to the Appointing Authority i.e. General Administration Department.

Placing reliance on the said proforma (Annexure 5 to the petitioner’s rejoinder) he submits that he will be raising his grievance before respondent No. 2 and praying that review of the report of the ACR should be ensured by respondent No. 2 prior to consideration of his claim for promotion as there is likelihood that in the process of review the petitioner may get some benefits.

In view of the said submission and since the issue has to be considered by respondent no. 2 in accordance with law, keeping the instant writ petition pending would serve no useful



purpose.

The writ petition is disposed of. The petitioner would be at liberty to raise his grievance before respondent No. 2 within two weeks. In the event the same is done, it is needless to say that appropriate orders in accordance with law should be passed by respondent no. 2 having regard to the issues raised by Counsel for the petitioner in course of today's proceeding. Let final decision be taken by respondent no. 2 expeditiously and without any undue delay.

**(Madhuresh Prasad, J)**

SNkumar/-

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