

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12402 of 2014

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Bijay Kumar S/o Late Babu Lal Paswan Resident of Village Rukanpura
Sadikpur, P.S. Rupaspur, District Patna, Presently working as Daftari in the
Office of the Superintendent of Police, Araria, District Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Home Police, Government of Bihar, Patna.
3. The Director General of Police, Department of Home, Government of Bihar,
Patna.
4. The Deputy Inspector General of Police, Purnea Division, Purnea.
5. The Superintendent of Police, District Araria.
6. The Joint Secretary, General Administrative Department, Government of
Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Jha, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC 15

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-04-2019

Counsel for the petitioner is permitted to make the Joint

Secretary, General Administrative Department, Government of

Bihar Patna as respondent no. 6 to the instant writ proceedings

during course of the day.

Petitioner claims that by virtue of Clause 3(iv) of the

Finance Department's resolution dated 31.03.2011, he is entitled

to be promoted on Class III posts. He asserts his claim on the

basis of being the senior most in the office of Superintendent of

Police, Araria.

Records reveal that the petitioner's claim has been



pending since 2014 (Annexure 11). The issue is required to be taken to its logical conclusion and if the Finance Department's resolution dated 31.03.2011 is still valid and petitioner is senior most and qualified in terms of Clause 3(iv), his claim was required to be considered subject to availability of the vacancies.

The respondents have filed counter affidavit. It is the stand of the respondent authorities that the District Magistrate, Araria has sought guidelines from the Joint Secretary, General Administrative Department, Government of Bihar as to how they are to proceed for promotion to Class III posts of lower Division Clerks from Class IV posts under communication dated 26.02.2015.

Let a final decision be taken in this respect by the authorities as the promotional claim of the petitioner should attain finality. The petitioner's counsel submits that he would be placing his claim with a request to the General Administrative Department to issue necessary guidelines to facilitate consideration of his claim in light thereof. Let such application be made before the respondent no. 6 within a period of four weeks. It is needless to say that since the issue has already been pending for about five years, the respondents should consider



the claim expeditiously and without any undue delay and preferably within a period of four months from the date of submission of the application.

Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

