

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14075 of 2014

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Ganesh Lal Das, son of Late Yogendra Lal Das, Resident of village - Rajani Babhangama, PS - Bihariganj, District Madhepura, at present working as Excise Constable, C/o Superintendent of Excise, Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariat, Bihar, Patna
2. The Secretary, Registration, Excise and Prohibition Department, New Secretariat, Bihar, Patna.
3. The Commissioner, Registration, Excise and Prohibition Department, New Secretariat, Bihar, Patna.
4. The Joint Commissioner, Registration, Excise and Prohibition Department, New Secretariat, Bihar, Patna
5. The Superintendent of Excise, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary
For the Respondent/s : Mr.Lalit Kishorepaag

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 24-09-2019

Heard learned counsel for the petitioner and the respondent-State.

2 Relying upon Annexure 7/1 dated 03.12.2009, which is order of the Departmental Screening Committee for grant of benefits of Assured Career Progression (for brevity, ACP), learned counsel for the petitioner submits that the date of initial joining of persons at Serial 90, 124 and 190 are later than the petitioner and, as such, they are juniors to the petitioner. On the basis of the said



grant of ACP, he claims to be senior to the aforesaid three persons and, therefore, has challenged the Department Promotion Committee (for brevity, DPC) granting promotion to the said three persons as Assistant Sub Inspector of Police from Constable and it is claimed that the petitioner, being senior to the said three persons, a direction should be issued in his favour also to promote him as Assistant Sub Inspector.

3 Counter affidavit reveals that the seniority list was published by the Department prior to consideration by the DPC for promotion as Assistant Sub Inspector. The said persons, with whom petitioner claimed seniority, were at Serial 203, 228 and 232. The petitioner, in the seniority list, was at Serial 600. This fact is also evident from the proceedings of the DPC where the petitioner's claim has been considered. The DPC has taken note of the petitioner's position at Serial No 600 in the seniority list which is the same, as stated in the counter affidavit.

4 Copy of the counter affidavit was served on the petitioner's counsel on 21.08.2019. The said averments have not been denied or disputed. There is also no averment in the writ petition that the final inter se seniority based on that position in seniority list of 2009 has ever been assailed in any proceeding.



Petitioner's position at Serial No 600 is as per seniority list which was prepared in the year, 2009.

5 Consideration of the DPC, based on final seniority list of 2009, and the inter se seniority as per the same, in the above noted circumstances does not suffer from any infirmity.

6 In view of the aforesaid facts, writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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