

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13299 of 2011

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1. Dudeswar Ray S/O Late Boder Singh R/O Vill.- Hasanpura Pipra, P.S. Arwal, Distt.- Arwal
 2. Suraj Deo Singh S/O Late Hari Bhajan Singh R/O Vill.- Hawanpura, P.S.- Rahui, Distt.- Nalanda
 3. Kushehswar Mishra S/O Late Bashist Mishra R/O Vill.- Athmalgola, P.S.- Athmalgola, Distt.- Patna
 4. Dina Nath Dixit S/O Late Pandit Shyam Bihari Dixit R/O Vill.- Bundelkhand Par Nawada , P.S.- Nawadah, Distt.- Nawadah
 5. Lorik Singh S/O Late Buddha Singh R/O Vill.- Chowgai, Badhi Tola, P.S.- Murar, Distt.- Buxar

... .. Petitioners

Versus

1. The State Of Bihar through its Secretary, Home (Police) Department, Govt. Of Bihar, Old Secretariat, Patna
2. The Director General Of Police-Cum-Inspector General Of Police, Main Secretariat, Patna
3. The Deputy Inspector General Of Police, Central Zone, Bihar, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Bipin Kumar Kumar
For the Respondent/s : Mr. Amit Bhushan, AC to Gp17

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

13 04-11-2019 The petitioners have claimed the relief of shifting back of their promotion with effect from an earlier date on which they claim that juniors have been granted promotion as Sub Inspector. The claim of the petitioners was that one Surya Kant Singh was junior to the petitioners and as such the petitioners were entitled to be promoted at least from the date Surya Kant Singh has been granted promotion as Sub Inspector.

In view of the said submission, on 23.9.2019 this



Court directed the State authorities to file a supplementary counter affidavit placing on record seniority position of said Surya Kant Singh vis a vis the petitioners.

After serving a copy on 25.10.2019 supplementary counter affidavit has been filed. The authorities have clearly stated that Surya Kant Singh had passed the SPC examination in the year 1972 whereas the petitioners passed SPC examination in the year 1975. Surya Kant Singh was thus above the petitioners in the seniority/gradation list and was given promotion with effect from 1998. The petitioners were placed much below Surya Kant Singh which is evident from the supplementary counter affidavit.

The issue had been narrow down on the last date to examine the claim of the petitioners with reference to Surya Kant Singh.

In view of the supplementary counter affidavit filed, it is obvious that the petitioners were placed at serial nos. 105, 174, 223, 244 and 245 respectively in the seniority list dated 4.12.1999. Surya Kant Singh, with whom the petitioners are claiming parity, had already stood promoted as Inspector in 1998 by virtue of his higher position and on account of his passing the SPC examination prior to the petitioners.



In view of the aforesaid position emerging from the averments made in the supplementary counter affidavit which stands uncontroverted, there is no occasion for directing for shifting back of the petitioners' promotion.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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