

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8629 of 2015

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Surya Nath Singh S/o Late Janardan Prasad Singh Resident of Village Barahrup, P.S. Bhagwanpur in the District of Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General and Inspector General of Police, Bihar, Patna.
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Inspector General of Police, Headquarter Old Secretariat, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Sunil Kr. Mandal

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-08-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Writ petition has been filed seeking direction for promotion of the petitioner to the post of Dy.S.P. on the basis of his position in the seniority list dated 03.11.2001.

It is submitted that the period rendered by the petitioner as Steno Sub Inspector was counted as length of service and accordingly, he had been granted seniority in the seniority list dated 03.11.2001.

The seniority of the petitioner for the purpose of considering his claim for promotion as Dy.S.P has now been taken treating his length of service from the date of his reversion



in general line on the post of Assistant Sub Inspector. As a result benefit granted under earlier seniority has been taken away by the petitioner without any show cause and as such respondent-authorities should consider his claim for promotion to the post of Dy.S.P counting the length of service from 19.02.1981 i.e. date on which he joined as Steno Sub Inspector.

Petitioner's counsel has placed reliance on the decision of this court in the case of Shambhu Sharan Prasad Singh vs. State of Bihar & others in CWJC no. 5328/2011.

Counsel for the State has submitted that seniority of the petitioner as per extant provision was determined after due procedure in the year 2013 wherein he has been placed at serial no. 448. Said seniority list has been prepared in respect of all members of services treating their date of entry in service to be the date on which they were reverted in general line. All persons in the second seniority list have uniformly been considered for due their seniority as per their date of entry in general line. It is further submitted that seniority of Shambhu Sharan Prasad Singh had also been fixed from the date of regular entry into service as per decision of the Apex Court in SLP (Civil) No. 568/1994.

Submission of counsel for the petitioner does not



require consideration by this court. It is not petitioner's case that any person below him in second seniority list in 2013 has been promoted ignoring his position in the said seniority list. Seniority list of 2013 has now attained finality due to long lapse of time thereafter. Petitioner's position at serial no. 448 in the second seniority list has never been assailed.

Since no person below the petitioner in the said seniority list has been granted promotion on the post of Dy.S.P ignoring his claim and said seniority has never been assailed by the petitioner, prayer for direction to promote petitioner on the post of Dy.S.P on the basis of earlier seniority is legally unsustainable.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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