

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6610 of 2020

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Prawesh Singh Son of late Nagdev Singh, Resident of Village- Munaria, P.O.- Basaura, Police Station- Basaura, District- Plamau(Jharkhand- 822118), Presently residing at Moh- Tilak Nagar Colony, Road No. 01, Rukunpura, P.S. Rupaspur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary Department of Defence, Government of India.
2. The Director General, Border Security Force, CGO Complex, Block No. 10, Lodhi Road, New Delhi.
3. The Special Director General, BSF (Eastern Comand), Head Quarter 20/1, Gurusaday Road, Kolkata- 700019
4. The Inspector General, Border Security Force, Frontier HQ, Sheelbagan, Tripura
5. The Deputy Inspector General, Sector H.Q. Udaipur B.S.F. Tripura
6. The Commandant 48 Bn BSF, Painthee, P.O.- Saruba, District- Samba, State J and K, 184129
7. The Commandant, 48 Bn. BSF, Maharanichera, Udaipur, Tripura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh
For the UOI	:	Mr. Kumar Priya Ranjan (CGC)
		Mr. Pallav

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 03-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioners has prayed for the
following relief/reliefs:

*“That by way of this writ
petition the petitioner craves
indulgence of this Hon’ble Court for
the issuance of a writ in the nature of*



Certiorari or an appropriate writ, order or orders, direction or directions, towards quashing the Annual/Part Performance Assessment Report (APAR) dated 30.04.2015 by which the respondent no.6 has wrongly recorded/commented the APAR without proper evaluation of the petitioner's performance and by which the petitioner's next promotion would be abrupted and as such the upgrading of the petitioner is restrained indirectly under malafide intention by the respondent concerned, hence respondents concerned be directed to promote the petitioner on the post of Deputy Commandant for which he is eligible under the law and the petitioner further prays for other consequential reliefs."

Petitioner while working as Assistant



Commandant, Annual Performance Assessment report for the year 2014-2015 was written on 30th April, 2015. Under column no.10 of the APAR dated 30th April, 2015, certain issues were taken note of by superiors to the extent that petitioner's work in methodical way taken own decision without consulting his superiors, even though professionally, petitioners knowledge was good. Taking note of aforesaid observation, superior officer issued a notice as to why these good remarks shall not be treated as adverse remarks on 22.11.2015. Petitioner had submitted his explanation on 11.01.2016 and it was turned down on 05.06.2016. The petitioner's grievance is that, though APAR is good for the year 2014 and 2015, the same shall be taken into consideration for the purpose of promotion to the post of Deputy Commandant as on 28.06.2018 and 23.06.2019 is good. However, the petitioner suffered an order on 05.06.2016 in respect of APAR for the year 2014-2015, converting the good remarks to that of adverse remarks and petitioner has not questioned the validity of such adverse report dated 05.06.2016. The official respondent/promoting authority to the post of Deputy Commandant has taken note of the decision dated 05.06.2016 while rejecting the petitioner's claim for promotion to the post of Deputy Commandant on 28.06.2018 and



23.06.2019. In the light of these facts and circumstances and the fact that the petitioner has not questioned the validity of the order/decision dated 05.06.2016, the petitioner is not entitled to the relief sought in the present petition as long as order dated 05.06.2016 is not set aside.

Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2022
Transmission Date	NA

