

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6823 of 2021

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Sunil Kumar Maurya Son of Late Nathuni Prasad Resident of village-
Akauna, P.O.- Sherghati, P.s.- Amas, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary -cum- Additional Chief Secretary, Department of Home, Bihar, Patna
2. The Principal Secretary -cum- Additional Chief Secretary, Department of Home, Bihar, Patna
3. The Secretary, Department of Home (Special), Bihar, Patna
4. The Additional Secretary, Department of Home (Special), Bihar, Patna
5. The Inspector General (Prison) Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maruth Nath Roy, Advocate
For the Respondent/s : Mr. Md. N.H. Khan (SC 1)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 08-02-2022

This matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

Learned State counsel accepts notice for respondents.

In the instant petition, petitioner has prayed for the following relief(s):-

“For issuance of a writ in the nature of mandamus directing and commanding the respondent authorities to grant promotion to the petitioner in the rank of Jail Superintendent with all consequential benefits as juniors to him have already been promoted as such and/ or for issuance of an appropriate writ(s), order(s) or direction(S), which seems just and equitable in the facts and circumstances stated hereunder.”



Petitioner's junior is stated to have been promoted on 14.02.2017. The petitioner had a cause of action in the year 2017 in questioning the juniors promotion and also seeking a direction to consider his name for promotion on par with the date of junior's promotion. The petitioner has not exercised the aforesaid option. He has waited for publication of one more final seniority list and it was published on 03.09.2020 and his name at serial number 8. Pursuant to the aforesaid list he has submitted a representation seeking for promotion to the post of Jail Superintendent *vide* representations dated 11.06.2020 and 10.09.2020.

In the light of these facts and circumstances, the concerned authority is hereby directed to examine the petitioner's claim for promotion to the post of Superintendent from the prospective date, i.e., after publication of the final seniority list of Assistant Superintendent dated 03.09.2020 onwards and not from 14.02.2017 the date on which petitioner's junior is stated to have been promoted. If the petitioner is otherwise eligible to the post of Superintendent in terms of seniority list dated 03.09.2020 read with the eligibility criteria for Superintendent in that event necessary orders shall be passed. The above exercise shall be completed within a period of three months from the date of receipt of this order.



With the aforesaid observations, the present writ petition
stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

