

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14332 of 2010

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Gangeshwar Sharma, Son of Late Ram Charan Singh, resident of Village-
Waina, P.O. Ghosi in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General and Inspector General of Police, Government of Bihar,
Patna.
4. The Deputy Secretary, Department of Home (Police), Government of Bihar,
Patna.
5. The Inspector General of Police (Personal), Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Santosh Chandra Bhaskar, AC to GP 11

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

Date : 21-07-2022

Heard learned counsels for the parties.

2. In the instant petitioner, petitioner has prayed for the
following relief/reliefs:

“(i) To quash the office order, contained
in Memo No. 3209 dated 19.04.2010, issued under
the signature of Principal Secretary, Department of
Home (Police), Government of Bihar, Patna
(Respondent No. 2), by which application, the claim
of the petitioner for promotion in the rank of Senior
Dy. Superintendent of Police has been rejected on
the ground service of the petitioner as Deputy
Superintendent of Police is not confirmed.



(ii) To confirm the service of the petitioner in the cadre of Deputy Superintendent of Police with effect from the date on which service of juniors to the petitioner has been confirmed to the post of Dy. S.P.

(iii) Also to promote the petitioner to the post of Senior Deputy Superintendent of Police in the pay scale of Rs. 10,000-325-15,200 with effect from the date on which the juniors to the petitioner have been promoted i.e. June, 2002 and accordingly to give all other consequential benefits.

(iv) Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

3. The basic requirements for the purpose of claiming promotion to a particular post are that it is bounden duty of the petitioner to apprise this Court that his name is reflected in the final seniority list of the feeder cadre. Further, he has to apprise this Court his immediate junior or his immediate senior were promoted on a particular date so as to claim promotion to the promotional post. Further method of recruitment to the promotional post like cadre and recruitment rules governing the post, so as to ascertain criteria. Moreover claim of the petitioner is in relation to promotion to the post of Senior Dy. Superintendent of Police, it is learnt that petitioner was not confirmed in the feeder cadre Dy. Superintend of Police. Whereas petitioner has not



produced material like his confirmation and his name is reflected in the final seniority list of Dy. Superintend of Police.

4. Perusal of the records, the aforesaid ingredients are not forthcoming, therefore, the present petition stands dismissed with the cost of Rs. 5,000/-. Cost shall be remitted in the Patna High Court Legal Services Committee, Patna High Court. Reserving liberty to file a fresh petition with fresh materials. If fresh materials are in favour of the petitioner, in that event he is permitted to file fresh petition.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	27.07.2022
Transmission Date	

