

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12112 of 2021

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Rahul Kumar Son of Late Raj Ballabh Prasad Singh Resident of Flat No. A/7,
Old C.I.D. Colony, P.S.- Shashtri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police Bihar, Patna.
3. The Inspector General of Police (Hq.) Bihar, Patna.
4. The Additional Director General of Police CID, Bihar, Patna.
5. The Inspector General of Police, BMP-cum- Chairman Talent Search Committee, Bihar, Patna.
6. The Members of Talent Search Committee Bihar, Patna.
7. The Additional Chief Secretary Home Department, Bihar, Patna.
8. The Secretary Home Department, Bihar, Patna.
9. The Additional Secretary Home Department (Police Wing), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate
For the Respondent/s : Mr. Md. N.H. Khan (Sc1)

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

Date : 07-02-2022

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

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

“For issuance of a Writ in the nature of certiorari to quash the resolution dated 11.6.2021 taken by Talent Search Committee whereby and where under the claim of the petitioner for out of turn promotion under Sports and Game Policy, 2013 read with Bihar Police Order no.12 despite approval/direction of the Government and further for



directing the respondent authorities to grant out of turn promotion to the petitioner as he got gold medal in 62 All India Police Duty meet, 2018 and further for issuance of any other appropriate writ or writs, order or orders it may deem fit and proper by this Hon'ble Court."

Petitioner is in the cadre of the Constable post. He is stated to have awarded gold medal in one of the sports item. Having regard to the fact that he is a gold medalist in one of the sports item he is entitled to promotion in view of the Notification dated 23.12.2013 (Anneuxre-3).

The said document is in respect of not a particular post and it does not override the Rules of Recruitment to the post of Assistant Sub-Inspector for which post the petitioner is seeking out of turn promotion for the post of filling up of the post of Assistant Sub-Inspector. What is required to be taken note of only the method of recruitment under the Notification issued under Article 309 of the Constitution. Hon'ble Apex Court recently held that out of turn promotion is deprecated for the reasons that it violates Article 14 and 16 of the Constitution.

In the light of these fact and circumstances, the petitioner has not made out a case. Hence, the present petition stands dismissed.



At this stage, learned counsel for the petitioner submitted that similarly situated person has been extend the benefit of out of turn promotion. If illegality is committed in extending certain benefits which is not in accordance with the relevant Rules and Articles 14 and 16 of the Constitution, the petitioner is not entitled for the reason that illegality cannot be perpetuated by the Court.

(P. B. Bajanthri, J)

Vikash/-

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

