

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.495 of 2021

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Birendra Kumar Roy Son of late Deo Narayan Roy, Resident of Mangarouna, Ganauli, P.S.-Andhrathadi, District-Madhubani, Bihar, Presently Posted as Deputy Superintendent, District Jail, Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Inspector General, Home (Prison) Department, Government of Bihar, Patna.
3. The Joint Secretary-Cum-Director (Administration), Home (Prison) Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, GP 4

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

Date : 13-01-2022

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 reliefs:-

“(i) For a direction to the respondent authorities to consider the case of the petitioner for promotion to the post of Deputy Superintendent from due date with all consequential benefits i.e. 16.01.2012 from the date on which juniors to petitioner has been granted promotion on the post of Deputy Superintendent.

(ii) For a direction to the respondent authorities to consider the case of the petitioner for promotion to the next higher post of Jail Superintendent from appropriate date with all consequential benefits i.e. 03.02.2017 from the date on



which juniors to petitioner has been granted promotion on the post of Superintendent.

(iii) For grant of any other incidental or consequential benefit or the other appropriate relief/reliefs to which the petitioner may be found entitled.”

Petitioner has not explained the delay and laches from 16.01.2012 to 05.01.2021, the date on which present petition was filed. Hon’ble Apex Court in the case of **P. S. Sadasivaswamy vs. The State of Tamilnadu** reported in (1975) 1 SCC 152 held that for the purpose of promotion/seniority one must approach within a reasonable period from the date cause of action accrued. In the present case petitioner had cause of action on 16.01.2012 whereas present petition was presented in the year 2021, therefore, the present petition is squarely covered by the aforesaid decision of the Hon’ble Apex Court. Accordingly, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

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

