

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8188 of 2021

Indrajeet Kumar son of Late Ramashish Prasad Resident of Mohalla - C.D.A. Colony, P.S. - Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Patna.
2. The Principal Secretary, Department of Home (Police), Patna.
3. The Inspector General of Police, Patna Central, Patna.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Station House Officer, Bihar Police Station, Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Chandra, Advocate
For the Respondent/s	:	Mr.Shio Shankar Prasad (SC-8)
		Mr. Ruchikar Jha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 4 27-07-2023 1. The adverse effect of black mark which is a major punishment under the Bihar Police Manual, awarded to the petitioner was to have the effect of preventing the petitioner from figuring in the promotional list for a period of three years only, as per the provisions contained in Rule 726 III of the Bihar police Manual, which reads as follows:

“726.III. Disqualification for admission to a promotion list or retention thereon-The infliction of any major punishment in any rank within the last 3 years may ordinarily be a bar to admission in any of the promotion lists.

A gap of three years is necessary after the



infliction of major punishment before an officer is retained or considered or reconsidered for any promotion list. For special reasons to be recorded, this disqualification may be relaxed by the competent officer who gives the promotion.”

2. The order inflicting a black mark on the petitioner is dated 24-02-2020 (Annexure-10).

3. The submission is that the period of three years is required to be calculated with effect from the date of the charge, which in the instant case relates to the year 2019.

4. Be that as it may, whether the date of charge is considered the basis of computing three years; or the date of order inflicting the black mark, today when the matter is being considered, the period of three years has lapsed.

5. Since there is nothing on record to show that the petitioner has suffered any deprivation of promotion in the meantime and the effect of the black mark having lapsed, the writ application has become infructuous.

6. The same is accordingly dismissed.

(Madhuresh Prasad, J)

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