

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10599 of 2021

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Kamlesh Thakur Son of Alakh Thakur Resident of Village - Korap Guraru,
P.S. Anti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Magadh Range, Gaya.
4. The Inspector General of Police, Patna Range, Patna.
5. The Inspector General of Police (Budget/Appeal/ Welfare) Bihar, Patna.
6. The Superintendent of Police, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr.Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-08-2023 1. The petitioner's promotion granted by the Magadh Range vide order No. 207 of 2006 promoting him from group-D to group-C post on 19-7-2016, has been cancelled by Aurangabad District Order No. 784 of 2017 on the ground that the petitioner did not possess the minimum requisite qualification of intermediate and as such the promotion granted to him was unsustainable.

2. The learned counsel for the petitioner submits that long before the promotional benefit was granted to the petitioner, he had already become a Graduate in 1987 and therefore the plea that he was not intermediate pass is clearly



untenable.

3. The learned counsel for the State submits that the petitioner had filed photocopy of his certificate with an application claiming to be a graduate and for seeking such endorsement in his service book, the certificate submitted by the petitioner was verified from the Magadha University, Bodhgaya on the point of genuineness and found to be correct. The enhanced qualification was thus entered in his service book with respect to the petitioner's claim for being restored his promotion in group-C. The matter thereafter has been sent by the Superintendent of Police, Aurangabad to the Deputy Inspector General of Police, Magadh Range, Gaya on 20-2-2019; and action is still awaiting.

4. The above noted development, which finds mention in the counter affidavit, leaves no dispute pending regarding petitioner's entitlement, since the fact of his having the higher qualification and genuineness of the certificate stands verified. Insofar as the stand of the respondents that action is awaited by the competent authority, this court would observe that four years is beyond the limit of reasonable time. Such procrastinating attitude of respondent No. 3 is a glaring example of inaction on the part of the authority to act in terms of the



communication dated 20-02-2019.

5. In view of the failure on part of the respondent No. 3 to act in terms of the communication dated 20-02-2019, this Court would direct the respondent no. 3 to pass order pursuant to the recommendation dated 20-02-2019 in accordance with law, expeditiously and preferably within eight (8) weeks from the date of production/receipt of a copy of this order.

6. Writ petition is allowed

(Madhuresh Prasad, J)

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