

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1983 of 2024

Vikas Kumar Sinha Son of Late Akhileshwar Prasad Sinha, Resident of Bengali Road, Mithapur B Area, Behind Annie Besant National School, P.O.- G.P.O., P.S.-Jakkanpur, District- Patna, Pin Code- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Secretary, Prohibition, Excise and Registration Department, Bihar, Patna.
4. The Excise Commissioner, Prohibition, Excise and Registration Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhinav Srivastava, Advocate
For the Respondent/s : Mr.Addl. Advocate General- 5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-03-2024 The present writ petition has been filed seeking the following reliefs:-

"1.(i) Issuance of a direction, order or writ, including writ in the nature of Mandamus commanding the concerned respondent authorities under the Prohibition, Excise and Registration Department, Bihar, Patna to take steps towards considering the case of the petitioner for granting him promotion against the post of Deputy Commissioner (Prohibition), Excise in the services of the Prohibition, Excise and Registration Department of the



State Government w.e.f. 31/05/2018 i.e. the date on which persons similarly situated as the present petitioner as well as junior to the petitioner in the rank of Assistant Commissioner, Excise have been granted promotion;

(ii) Issuance of a direction, order or writ, including writ in the nature of Mandamus commanding the concerned respondent authorities to take steps towards extending all the consequential benefits in favour of the petitioner including fixation of salary, seniority, etc that he had been deprived of on account of non consideration of his case for grant of promotion against the post of Deputy Commissioner, Excise w.e.f. 31/05/2018 along with all consequential benefits including length of service, seniority, etc;

(iii) Issuance of a declaration holding that the petitioner is entitled for being considered for grant of promotion against the post of Deputy Commissioner, Excise w.e.f. 31/05/2018 in view of the fact that the recommendation of the Departmental Promotion Committee during the relevant time had been kept in sealed cover on account of pendency of departmental proceeding against the



petitioner during the relevant time and as such, subsequently, the petitioner was exonerated of the charges leveled against him in the said departmental proceeding and accordingly, the said departmental proceeding against him was dropped after absolving him of all the charges.”

2. The limited grievance of the petitioner is that though the petitioner has been granted promotion on the post of Deputy Commissioner (Prohibition), Excise Department, however, with effect from 19.10.2023 and not with effect from the due date i.e. 31.05.2018, the day on which the persons junior to the petitioner have been granted promotion, hence it is submitted that the respondents be directed to grant promotion w.e.f. 31.05.2018.

3. Having regard to the aforesaid grievance of the petitioner, I deem it fit and proper to relegate the petitioner to the remedy of approaching the Additional Chief Secretary/Secretary, Prohibition, Excise & Registration Department, Bihar, Patna, by filing appropriate representation within a period of two



weeks from today and in case such a representation is filed, the same shall be considered in accordance with law and a decision thereon shall be taken within a period of six weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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