

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2140 of 2024**

Vijay Kumar S/o Lalan Prasad R/o East Rupaspur, Jagdev Path, Rukanpura,  
P.S.- Rupaspur, District- Patna (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administrative Department, Government of Bihar, Patna.
2. Excise Commissioner, Department of Prohibition Excise and Registration, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Prohibition Excise and Registration, Government of Bihar, Patna.
4. Joint Commissioner (Excise), Department of Prohibition Excise and Registration, Government of Bihar, Patna.
5. Joint Secretary, Prohibition, Excise and Registration Department, Government of Bihar.
6. Additional Chief Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Patna.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mrs. Nivedita Nirvikar, Sr. Advocate<br>Mr. Shiv Pratap, Advocate |
| For the Respondent/s | : | Mr. Standing Counsel 06                                           |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      07-03-2024                      At the outset, the learned senior counsel for the petitioner seeks permission to add the Additional Chief Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Patna as party-respondent no. 6 to the present writ petition. Permission, so sought, is granted.

2.              The needful be done during the course of the day.

3.              The present writ petition has been filed



seeking the following reliefs:-

*"1. For issuance appropriate writ / writs, order/ orders, direction / directions in the nature of MANDAMUS directing the respondent authorities (particularly Respondent No.-2) to promote the petitioner to the post of Excise Superintendent in accordance with Rule 22 of Bihar Prohibition Service (Recruitment and Service Conditions) Rules, 2018 and by upgrading/transforming him from the post of Excise Inspector (entry level post under Bihar Excise Service) to the post of Superintendent, Prohibition (entry level post of Bihar Prohibition Service 2018).*

*ii. For issuance of appropriate writ / writs, order / orders, direction / directions to quash the Notification No. 5392 dated 19.10.2023, with respect to petitioner, whereby the petitioner has been denied promotion on the post of Excise Superintendent and further directing the respondents to accordingly modify the seniority list and grant consequential benefits i.e. monetary benefits and Promotion to the petitioner and for any other relief/s for which the petitioner is found to be entitled in the facts and circumstances*



*of the case.*

*iii. For issuance of an order/s, direction/s or an appropriate writ/s, directing the respondent authorities to protect interests and seniority of the petitioner (who has been promoted to the post of Inspector on the recommendation of Departmental Promotion Committee (Non- Gazetted) constituted under the Chairmanship of Excise Commissioner in light of the recommendation of"*

4. The limited grievance of the petitioner is that the respondents are not considering the case of the petitioner for promotion on the post of Excise Superintendent, Prohibition Department with effect from the year 2010, the day on which the persons junior to the petitioner have been granted promotion.

5. 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, Government of Bihar,



Patna, within a period of two weeks from today, by filing appropriate representation 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.

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

**(Mohit Kumar Shah, J)**

S.Sb/-

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