

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12442 of 2024

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Shailendra Kumar, Son of Ram Balak Prasad, Resident of 203, Narayan Kunj Apartment, Khajpura, behind Big Bazar, Beli Road, P.O.-B.V. College, P.S.-Shastrinagar, District-Patna Sadar, Pin Code-800014

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Abhinav Srivastava, Advocate Mr. Pushkar Bhardwaj, Advocate Mr. Shubham Priyadarshi, Advocate
For the State	:	Mr. Manoj Kumar Ambastha, SC-26 Mr. Subodh Kumar, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-08-2024 Heard Mr. Abhinav Srivastava, learned counsel along with Mr. Pushkar Bhardwaj and Mr. Shubham Priyadarshi, learned counsels appearing on behalf of the petitioner and Mr. Manoj Kumar Ambastha, learned SC-26 along with Mr. Subodh Kumar, learned AC to SC-26 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:

" (i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned



respondent authorities under Prohibition, Excise and Registration Department of the State Government to take steps towards considering the case of the petitioner for granting him promotion against the post of Superintendent Prohibition in the services of the State Government against the back log vacancy reserved for a candidate belonging to the Schedule Tribe category which has been lying vacant despite availability of the petitioner who belong to the said category;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to make necessary changes in the gradation list of the Inspectors, Prohibition published by the concerned authorities under the said department and accordingly, place the petitioner at an appropriate serial number in the said list while extending the benefits of reservation in his favour as is admissible to him in accordance with the policy decision of the State Government with respect to extending the benefits in favour of the persons belonging to Schedule Tribe category working in the services of the State Government in its different departments;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to grant promotion to the petitioner against the post of Superintendent Prohibition in the services of the Prohibition, Excise and Registration Department of the State Government against the back log vacancy reserved for a candidate belonging to the Schedule Tribe category which has been lying vacant despite availability of the petitioner who belong to the said category along with all consequential benefits in terms of pay scale, seniority, etc;

(iv) Issuance of a declaration holding that the petitioner is entitled for being considered for grant of promotion while extending him the benefits of reservation as a candidate belonging to Schedule Tribe category in accordance with the policy decision of the State Government in the said respect;

(v) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case."

3. Learned counsel appearing on behalf of the petitioner submitted that petitioner has filed his detailed representation before the Commissioner Excise, Prohibition, Excise and Registration Department, Government of Bihar, Patna on 28.06.2024 and no action has been taken till date on the representation filed on behalf of the petitioner. Learned counsel further submitted that any person, who are senior to the



petitioner, are not as eligible as the petitioner and, as such, his case for being considered for being promoted on the post of Superintendent, Prohibition, must be considered expeditiously by the appropriate authority.

4. Considering the aforesaid submission made on behalf of the petitioner, I find that the authority concerned must take a final decision on the representation of the petitioner by correcting the category as Schedule Tribe Category, which has incorrectly been mentioned as General Category while granting promotion from the post of Sub-Inspector to Inspector to the petitioner and, in this regard, petitioner has made specific statement in paragraph no. 15 of the writ petition. If the information given by the petitioner is correct and petitioner fulfills all the requisite criteria for being promoted on the post of Superintendent Prohibition, then, the same may be done expeditiously within a considerable period of time.

5. With aforesaid observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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