

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2344 of 2012**

Subhash Chandra Sinha S/O Late Bhogal Prasad R/O Mohalla- Bhainsasur,  
South Of Telephone Exchange, Biharsharif, P.S.- Bihar, District- Nalanda

... .. Petitioner/s

Versus

1. The Madhya Bihar Gramin Bank, through its Chairman, Meena Plaza, South Of Museum, Patna
2. The Board Of Directors Through its Chairman, Madhya Bihar Gramin Bank, Patna
3. The Chairman, Madhya Bihar Gramin Bank, Patna
4. The General Manager, Madhya Bihar Gramin Bank, Patna

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate  
For the Bank : Mrs. Archana Palkar Khopde, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

7      30-01-2024                      Heard Mr. Abhinav Srivastava, learned counsel for the petitioner and Mrs. Archana Palkar Khopde learned counsel appearing on behalf of the Bank.

2. The present writ petition has been filed for permission for grant of promotion from Officer Scale I to Officer Scale II in the services of the Bank pursuant to the interview conducted in this respect on 17.10.2011.

3. Learned counsel for the petitioner submits that the petitioner was fully eligible for the promotion from Officer Scale I to Officer Scale II on the due date and his case was considered by the Promotion Committee and the case of the petitioner was kept pending on the ground that one case is



pending against the petitioner.

4. Learned counsel for the petitioner further submits that the case of the petitioner was considered in the year, 2011 and according to circular dated 22.10.2009 of the Bank, the Bank may review the case of the petitioner but till date the Bank has not reviewed the case of the petitioner with respect to the promotion of the petitioner from Officer Scale I to Officer Scale II and the result of the petitioner was kept under seal covered from the record that a vigilance case was pending against the petitioner.

5. In view of the circular dated 22.10.2009 of the Bank, the writ petition is disposed of with the direction to the respondent no.3 to review/consider the case of the petitioner in the light of the circular dated 22.10.2009 and to take a fresh decision within a period of two months from the date of receipt/production of the copy of the order and while the respondent no.2 has taken a decision with respect to the case of the petitioner he will take notice of Circular dated 22.10.2009 of the Bank which is quoted hereinbelow;

**PERIODICAL REVIEW OF SEALED COVER CASES**

*1. HRD Department at Head Office  
shall ensure that the disciplinary (1)*



*or criminal proceedings instituted against any officer are not unduly prolonged and all efforts to finalize expeditiously the proceedings should be made so that the need for keeping the case of an officer in a Sealed Cover is limited to the barest minimum. HRD Department should review comprehensively the cases of officers whose cases for promotion to a higher grade have been kept in a Sealed Cover on the expiry of six months from the date of conclusion of Selection process. Such review shall be placed before the Competent Authority who shall take decision as to continuance or otherwise of the Sealed Cover. The review shall continue until the case is finally decided. The review should, inter-alia, cover the progress made in the disciplinary / criminal proceedings*



*and further measures to be taken to expedite their completion.*

*2. In spite of six monthly review referred to above, there may be some cases where the disciplinary / criminal proceedings against the officer are not concluded even after the expiry of 2 years from the date of completion of Selection process in which the result was kept in Sealed Cover. In such a situation, the Competent Authority to approve promotion to higher grade may review the cases of an officer provided he is not under suspension to consider desirability of giving him provisional the following aspects:*

*2. In spite of the six monthly review referred to above, there may be some cases where the disciplinary/criminal proceedings against the officer are not concluded*



*even after the expiry of two years from the date of completion of selection process in which the result was kept in Sealed Cover. In such a situation, the Competent Authority to approve promotion to higher grade may review the cases of an officer provided he is not under suspension to consider desirability of giving him provisional promotion.*

5. Accordingly, the writ petition is disposed of with the aforesaid direction.

**(Rajesh Kumar Verma, J)**

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