

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1089 of 2019

In

Civil Writ Jurisdiction Case No.5447 of 2010

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Yugeshwar Yadav, Son of Late Ram Sakal Singh, Resident of R.B. Market,
Ram Nagari More, Ashiana Nagar Road, P.S. Rajiv Nagar, District- Patna.

... .. Appellant

Versus

1. The State Of Bihar Bihar.
2. The Director General of Police-cum-Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police Personnel, Bihar, Patna.
4. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Vijay Kumar Singh, Advocate
Mr. Abhinav Shandiya, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-12-2024

The Appellant has assailed the order of the learned Single Judge dated 30.05.2019 passed in C.W.J.C. No. 5447 of 2010. Grievance of the Appellant is that he is entitled for promotion to the post of Inspector of Police from the date of his juniors Ram Pravesh Rai and Jogindra Prasad. The same has been rejected by the learned Single Judge. Hence, the present L.P.A.



2. Learned counsel for the Appellant submitted that the learned Single Judge has not appreciated ranking assigned to him in the seniority list of Sub-Inspector notified in the year 2000 in which he has been assigned Serial No. 732, whereas the person, namely, Sri Santosh Kumar Srivastava, who has been promoted to the post of Police Inspector was at Serial No. 1718. In this regard, time and again matter was heard. The State counsel could not apprise this Court with reference to three material informations namely method of recruitment to the post of Police Inspector, feeder cadre final seniority list of Sub-Inspector read with the date of his juniors promotion. Today, with the assistance of Superintendent of Police, Mr. Shashi Shankar Kumar with reference to record, it was argued that in the seniority list of Sub-Inspector Sri Santosh Kumar Srivastava, whose name was at Sl. No. 1718 was promoted before retirement of the petitioner in the month of May, 2008. It is to be noted that Appellant retired on 30.06.2008. Therefore, the Appellant's name should have been considered from the date of his junior promotion and it was not considered. This issue has not been apprised before the learned Single Judge. Therefore, the petitioner has made out a case to the extent that his name has been overlooked while promoting his much junior, who was at



Sl. No. 1718, on the other hand, Appellant's name stands at Sl. No. 732.

3. In view of the above factual aspects of the matter, the official Respondents have not apprised with reference to any records to the extent as to why the name of the Appellant was overlooked, whose name was at Sl. No. 732 and person who was at Sl. No. 1718 has been promoted to the post of Police Inspector. Thus, the Appellant has made out a case so as to interfere with the order of the learned Single Judge dated 30.05.2019 passed in C.W.J.C. No. 5447 of 2010 and it is set aside.

4. Accordingly, C.W.J.C. No. 5447 of 2010 stands allowed.

5. The concerned Respondent is hereby directed to grant promotion to the Appellant from the month of May, 2008, the date on which Sri Santosh Kumar Srivastava, whose name was at Sl. No. 1718 and extend all consequential service and monetary benefits from the date of his junior promotion. In other words, after awarding of promotion to the Appellant to the post of Police Inspector, his pay is required to be re-fixed and difference of salary shall be calculated and disbursed in favour of the Appellant. Further, Appellant's retiral benefits shall be



fixed in the cadre of Police Inspector and extend difference of pensionary benefits and pension and the same shall be calculated and disbursed in favour of the Appellant. The above exercise shall be completed within a period of four months from the date of receipt of this order.

6. Accordingly, the present L.P.A. No. 1089 of 2019 stands allowed. Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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CAV DATE	NA
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