

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18730 of 2024

=====

Bhartendu Prasad Deo Son of Late Ram Lal Baitha, Resident of Village-
Maurya Jubile Palace, Zero Mile, Near Harijan Police Station, P.S.-Industrial
Area, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police (HQ), Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate
For the Respondent/s : Mr. Raghwendra Kumar, Standing Counsel-22

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2024 Heard Mr. Krishna Chandra, learned advocate for the

petitioner and Mr. Raghwendra Kumar, Standing Counsel-22 for

the State.

2. The petitioner prays for issuance of an appropriate writ in the nature of Mandamus by directing the respondents to open the sealed cover and give effect to the recommendation made by the Departmental Promotion Committee and grant notional promotion to the petitioner from the post of Police Inspector to the Post of Deputy Superintendent of Police from the date his juniors have been granted promotion on the post of Deputy Superintendent of Police vide Notification No.-933



dated 29.01.2019 with all consequential benefits. The petitioner also sought a direction to extend the benefit of 3rd Modified Assured Career Progression (MACP) which is due in terms of the Rule prescribed under MACP since 04.08.2019.

3. The grievance of the petitioner is in narrow compass. The case of the petitioner was placed before the Departmental Promotion Committee in its meeting convened on 28.12.2018 to consider his case for promotion along with the other officers of the cadre of Sub-Inspectors of the Department of Police for the next promotional post of Deputy Superintendent of Police. However, no final decision and any recommendation could have been made on account of the pendency of the Disciplinary Proceeding No.-02/2017 against the petitioner and as such the decision of the Departmental Promotion Committee kept in the sealed cover.

4. Mr. Chandra, learned advocate for the petitioner further contended that notwithstanding the fact that, in the afore-noted departmental proceeding, the petitioner finally came to be exonerated vide order dated 06.08.2019, the copy of which is marked as Annexure-P/4 to the writ petition but by the time the case of the petitioner could be considered by the next Departmental Promotion Committee, the petitioner already



superannuated on 31.01.2020 and as such no promotion could be granted to the petitioner, albeit persons juniors to the petitioner have been accorded the promotion to the post of Deputy Superintendent of Police.

5. For redressal of the grievance, the petitioner has approached before all the authorities concerned but to no avail, compelling the petitioner to approach before this Court.

6. To fortify the aforesaid contention, attention of this Court has also been drawn to Annexure-P/8 whereby the Inspector General of Police (HQ), Bihar, Patna forwarded the request of the petitioner to the Secretary, Department of Home (Police), Bihar, Patna for taking decision over request for grant of promotion, but till date no action has been taken on such request.

7. On the other hand, learned advocate for the State submits that since the request has already been made to the Secretary, Department of Home (Police), Bihar, Patna to consider the case of the petition for notional promotion the same shall be considered in accordance with law.

8. Having heard the learned advocates for the respective parties and taking note of the admitted fact that the petitioner has already been exonerated in the departmental



proceeding and, in the meantime, persons juniors to the petitioners have been accorded promotion by keeping the matter of the petitioner pending in the sealed cover, it would be appropriate for the concerned authorities to place the matter before respondent no.2 to take a final decision in the matter with respect to notional promotion of the petitioner along with MACP with effect from the date when his juniors have been accorded the promotion and other benefits preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

9. Accordingly, the writ petition stands disposed off.

(Harish Kumar, J)

Harshita/-

U			
---	--	--	--

