

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14762 of 2018

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Mukesh Kumar Verma Son of Sri Paras Nath Verma, resident of Quarter No. 85/400, Rajbanshi Nagar, Police Station- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Under Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Home Department, Government of Bihar, Patna.
5. The Director General of Police, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar, Sr. Advocate Mr. Ashok Kumar, Advocate Mr. Abhishek Raj, Advocate
For the Respondent/s	:	Mr. Manish Kumar- Gp4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following relief/s:

“1. That issuance of writ in the nature of mandamus commanding the Respondents Authority of Department of General Administration to grant benefit of promotion to the post of Section Officer in view of the cessations of currency period of the punishment awarded vide Office



Order No. 8909 dated 23.06.2016 read with office order No. 12582 dated 03.10.2017 being the only reason for not granting promotion of the Petitioner along with other successful candidate of the Limited Departmental Competitive Examination duly notified vide notification No. 15528 dated 27.10.2015. The Petitioner further prays for a declaration that the Respondents are duty bound to promote the Petitioner as the same was kept on hold solely due to the punishment of withholdment of one increment with non cumulative effect having period of currency till 30.06.2017. The Petitioner seeks declaration that in view of settled law and State Litigation Policy since all other similarly situated person were allowed promotion subject to the result of the lis before the Hon'ble Supreme Court SLPC No. 29770/2015 (Sushil Kumar Singh vs. State of Bihar and others), the Petitioner is also entitled to the promoted in the same manner and on the same terms once the period of punishment is over."

3. Learned counsel for petitioner submits that his case has



been squarely covered from the decision of this Hon'ble Court dated 01.07.2014 passed in LPA No. 863 of 2014.

4. Learned counsel for State raised preliminary objection and submits that it is true that petitioner's case is covered from the decision of LPA No. 863 of 2014 but it is specific stand of the State that against the said decision, the State Government has preferred SLP No. 25699-25701 of 2015 (*State of Bihar Vs. Dharamvir Prasad and Ors.*) and *SLP (c) No. 29770 of 2015 (State of Bihar Vs. Sushil Singh and Ors.)* and therefore according to him, it shall not be appropriate to take any decision and this case may be taken up after disposal of the said SLPs'.

5. Learned counsel for State submits that while Departmental Notification No. 15520 dated 27.10.2015 total 99 assistants have been promoted to the post of section officers with rider that their promotion shall be subject to final outcome of the above mentioned SLPs'.

6. Counsel for the petitioner submits that the case of petitioner be considered with the same rider and he has no objection for the same.

7. In this view of the matter, particularly, in the light of Clause 4.C of the Bihar State Litigation Policy, 2011, State is hereby directed to consider the case with the same rider



according to which promotion has been granted to 99 % as per the statement made in para-6 of the counter affidavit.

8. Petitioner is hereby directed to file fresh representation within 30 days from today before the Principal Secretary, General Administration Department, Government of Bihar (respondent No. 2) and respondent No. 2 is hereby directed to take decision on the representation filed by the petitioner in the light of observation made by this Court within 90 days thereafter.

9. Accordingly, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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