

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5066 of 2025

1. Pranesh Kumar S/o Late Chandra Prakash Sharma, R/o-104 B, Pushpanjali Kunj Apartment, Ashiana Digha Road, near Excise Colony, P.S.-Shastrinagar, P.O.-Ashiananagar, Town and District-Patna, presently posted as Inspector, Prohibition at Narkatiaganj Distillery, Distt-West Champaran.
2. Alok Ranjan Choudhary @ Alok Ranjan, S/o Kant Choudhary, R/o Village-Gorakhdihi, P.O.-Rata, P.S.-Khesar (Belhar), District-Banka, presently working as In-charge Superintendent, Prohibition, Buxar.
3. Asutosh Kumar, S/o Balbhadra Jha, R/o Village-Kamalpur, Ward No. 14, P.O. Hansa, Kamalpur, P.S.-Raniganj, District-Araria, presently posted as Inspector, Prohibition at Barh, Patna, Distt-Patna.
4. Kamlesh Kumar Sinha, S/o Sri Uday Shankar Prasad, R/o-Hariji Ka Hata, Near Harkhen Kumar Jain Hospital, P.O. and P.S.-Nawada Ara, District-Bhojpur, presently posted as Inspector, Prohibition Excise Intelligence Bureau, Patna, deputed at Globus Spirit Limited Hajipur, Distt-Vaishali.
5. Shambhu Mishra, S/o Sheo Shankar Mishra, R/o House No. 14, Road No. 1, New Kashidih, P.O.-Sakchi, P.S.-Sitaramdera Singhbhum, Jamshedpur, presently posted as Inspector, Prohibition at Hajipur, Distt-Vaishali.
6. Neel Kumar Mishra, S/o Parmeshwar Mishra, R/o-Village-Shirnia, P.O.-Jamalpur Gogri, P.S.-Gogri, District-Khagaria, presently posted as Inspector, Prohibition at Samastipur.
7. Arun Kumar, S/o Ravindra Prasad Sinha, R/o Village-Khalkochak, P.O.-Makhdumpur Gaya, P.S.-Makhdumpur, District-Jehanabad, presently posted as Inspector, Bihar State Beverages Corporation Limited, Patna, District-Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Excise and Prohibition and Registration, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
2. The Excise Commissioner cum Inspector General, Registration, Department of Excise, Prohibition and Registration, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Deputy Secretary, Department of Registration, Excise and Prohibition, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
4. The Joint Commissioner, Prohibition, Department of Registration, Excise and Prohibition, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
5. The Assistant Inspector General, Registration (Headquarter), Department of Registration, Excise and Prohibition, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
6. The Special Superintendent Excise, Department of Registration, Excise and Prohibition, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
7. Mr. Santosh Kumar Srivastava, S/o name not known to the petitioners,



presently working as In-charge Superintendent, Prohibition, Kaimur.

8. Mr. Gunjesh Kumar, S/o name not known to the petitioners, presently working as Inspector, Prohibition, Mohania Checkpost, District-Kaimur.
9. Mr. Rajendra Prasad, S/o name not known to the petitioners, presently working as Inspector, Prohibition, in the office of Superintendent, Prohibition, Barh, District-Patna.
10. Mr. Dilip Ram, S/o name not known to the petitioners, presently working as Inspector, Prohibition, in the office of Assistant Commissioner, Prohibition, Patna.
11. Mr. Suresh Ram, S/o name not known to the petitioners, presently working as Inspector, Prohibition, in the office of Superintendent, Prohibition, Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
	:	Mr. Avanindu Kumar Jha, Advocate
	:	Mr. Jitendra Acharya, Advocate
	:	Mr. Bishwash Vijeta, Advocate
	:	Mr. Ram Naresh Jha, Advocate
For the Respondent/s	:	Mr. Standing Counsel (06)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 02-04-2025 In the present writ application, the petitioners have
prayed for the grant of following reliefs:-

(i) To hold and declare that the action of the Respondents concerned in not taking final decision on the representation of the petitioners dated 28.07.2024, whereby the petitioners have raised their voice as regards the legality and validity of the seniority list of Sub-Inspectors (Letter No. 2 / ए 4 (वरीयता) अ०नि० 13/2008-4343 dated 15.09.2016 and the order of promotion as Inspectors of Excise vide Memo No. 3557 dated 23.10.2018 and Memo No. 3881 dated 28.11.2018, are highly illegal, arbitrary, malafide, malicious and unsustainable



in the eye of law and on facts both and is fit to be deprecated by this Hon'ble Court in strong words.

A true copy of the petitioners joint representation dated 28.07.2024 is annexed here as ANNEXURE - P/1 to this writ petition.

AND CONSEQUENT UPON SUCH DECLARATION

(ii) A writ in the nature of mandamus may kindly be issued by this Hon'ble Court commanding the respondents concerned to decide the issues raised by the petitioners in the said representation dated 28.07.2024 (Annexure-P/1 to this writ petition), by a reasoned and speaking order, that too, after granting the petitioners the due opportunity of hearing.

(iii) Issuance of an order, direction or a writ in the nature of mandamus commanding the Respondents concerned to cancel the promotion so granted to the private respondents and other similarly situated persons on the post of Inspector of Excise, which has been granted in a complete illegal and unauthorized manner, and consequent upon the quashing of the cancellation of promotion of the private respondents and other similarly situated persons, the authorities concerned may further be suitably directed to grant promotion to the petitioners on the



post of Inspector, Prohibition, from due date, that too, with all consequential benefits.

(iv) Issuance of an order, direction or a writ in the nature of quo-warranto, asking for a show cause from the private respondents, to show cause, as to why, their promotion as Inspector of Excise, which has been granted to them contrary to the concerned Rules be not cancelled.

(v) For grant of any other relief(s) to which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

2. During the course of argument, learned counsel for the petitioners have drawn the attention of this Court to a joint representation dated 28.07.2024 which is at Annexure-P/1 to the present writ application. The learned counsel for the petitioners submits that the same reliefs which have been prayed for in this writ application have been claimed in the joint representation and the petitioners would be satisfied if respondent no. 1 could be directed to decide the joint representation.

3. Learned counsel appearing for the Respondent-State and its functionaries have made no objection to the same.

4. In view of the above, the Respondent-State is directed to decide the joint representation dated 28.07.2024



which is at Annexure-P/1 to the present writ application within two months from the date of production of copy of this order. The order passed shall be a reasoned and speaking order after giving an opportunity of hearing to the petitioners.

5. Liberty is granted to the petitioners to supplement its representation by filing additional grounds, if any within two weeks from the date of this order which shall also be considered by the Respondent-State while disposing of the representation.

6. With the aforesaid observation and direction, this writ application stands disposed of.

GK Sinha/-

(Alok Kumar Sinha, J)

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