

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11017 of 2025

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Ramashish Kamati @ Ram Ashish Kamati Son of Late Ayodhi Kamati,
Resident of Village and P.O- Choura Maharail, P.S.- Jhanjharpur, District-
Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary (Home), Police Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary (Home), Police Department, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Tirhut Range, Muzaffarpur.
5. The Superintendent of Police, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Adv. Mr. Kanishk Kaustubh, Adv. Mr. Shikhar Mani, Adv. Mr. Rajnesh Prakash, Adv. Ms. Lakshmi Kumari, Adv. Mr. Ankesh Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Majfabaul Haque, GP-12 Mr. Pranoy Kumar, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-07-2025 Heard the parties.

2. The petitioner has invoked the prerogative writ jurisdiction of this Court seeking a direction upon the respondents to consider his case for promotion on the post of Dy. S.P., with effect from the date, the juniors to the petitioner were given promotion. It is further claimed that irrespective of the fact that the petitioner has discharged his duty for over a period of 30 years of service, but he has also been deprived



from the benefit of 3rd ACP/MACP.

3. Mr. Ranjeet Kumar, learned Advocate for the petitioner contended that non consideration of the petitioner for promotion to the post of Dy.S.P. is only on account of a punishment of censure, which was inflicted upon the petitioner under Memo No. 1706 dated 27.08.2016. Referring to Annexure-P/2, he contended that with regard to an occurrence, which took place in the year 2015, the memo of charge was issued on 20.04.2016 and after culmination of the departmental proceeding, he was inflicted with the punishment of censure under Memo No. 1706 dated 27.08.2016.

4. Taking this Court through the Rule 14 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, he submits that admittedly, the censure is a minor penalty and the explanation 2(i) clearly mandates that the adverse effect of censure on the confirmation and promotion of concerned Government Servant shall be for next three consecutive years after the year of allegation or omission & commission for which he or she is censured. He would, thus, submits that in such circumstances, the currency of the punishment came to an end in the year 2018, as such, the claim of the petitioner for promotion ought to be considered by the Screening Committee,



since the petitioner superannuated belatedly on 30th September, 2020.

5. It is the specific case of the petitioner that various persons, junior to the petitioner, the names of which have been specifically mentioned in paragraph no. 10 to the writ petition, have been promoted to the post of Dy. S.P., whereas the case of the petitioner has been arbitrarily ignored. He further submits that the petitioner has also been deprived from the benefit of 3rd ACP/MACP, irrespective of his continued/uninterrupted service for more than 30 years.

6. On the other hand, learned Advocate for the State submits that an instruction is required to assist the Court, as to why his case has not been considered for promotion, irrespective of the aforementioned facts.

7. Considering the submissions set forth by the learned Advocate for the respective parties, this Court, *prima facie*, finds substance in the submission of the petitioner to the extent his claim for promotion to the post of Dy. S. P. should have been considered, at least, after the adverse effect of censure came to an end in the year 2018 itself. There is no confusion with regard to the life and effect of censure, which only continues till three consecutive years after the year of



allegation or omission & commission for which the delinquent censured.

8. Trite it is, while there is no fundamental right to promotion itself, but the right to be considered for promotion. The eligible employees have a constitutional right to have their cases reviewed for promotion.

9. In such circumstances, this Court direct the respondent nos. 3 and 4 to deliberate the matter and consider the claim of the petitioner for his notional promotion to the post of Dy.S.P., since the petitioner has already superannuated, besides the benefit under the 3rd ACP/MACP, if he is otherwise found fit, in accordance with law, preferably within a period of three months, from the date of receipt/production of a copy of this order.

10. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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