

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1067 of 2026

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Amitabh Kumar Son Of Late Sheo Kumar Singh, Resident Of Village-
Kopwan, P.S.- Koran Sarai, District- Buxar (Bihar) At Present Residing At
A/13 Indrashan Bhawan Anand Puri, Boring Canal Road, Ps.- Krishna Puri,
District - Patna, Pin Code- 800001 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Transport Department,
Government Of Bihar, Patna.
2. The Secretary, Transport Department, Government Of Bihar, Patna.
3. The State Transport Commissioner, Bihar, Patna
4. The Joint Secretary, Transport Department, Government Of Bihar, Patna.
5. The Deputy Secretary, Transport Department, Government Of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Senior Advocate Mr. Harsh Vardhan, Advocate Mr. Pankaj Kumar Singh, Advocate Mr. Harsh Raj, Advocate Mr. Chetan Anand, Advocate Ms. Raj Lakshmi, Advocate
For the State	:	Mr. Sumant Kumar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 31-03-2026

Heard learned senior counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

*“(i) To issue an appropriate
writ / order / direction in the nature of
mandamus commanding the Respondents to
grant ad-hoc promotion to the Petitioner on*



the post of Additional District Transport Officer / District Transport Officer from the date i.e. 27.06.2024 his juniors have been granted ad-hoc promotion, with all consequential benefits.

(ii) Any other relief or reliefs for which the Petitioner is found to be entitled in the facts and circumstances of the case.”

3. Learned senior counsel for the petitioner submits that the petitioner is at present posted as Motor Vehicle Inspector (MVI) at Purnea. After appointment, he was posted at Rohtas, and his services were appreciated and subsequently confirmed with effect from 11.07.2013 vide Letter No. 4187 dated 04.07.2016.

4. Counsel further submits that a criminal case bearing EOU P.S. Case No. 17 of 2017 was instituted against the petitioner on 17.11.2017 under Sections 13(2) and 13(1)(e) of the Prevention of Corruption Act, 1988. The petitioner was suspended vide order dated 06.02.2018 passed by the State Transport Commissioner, Patna. A departmental proceeding was initiated, and Prapatra-Ka was issued against the petitioner vide Memo No. 8170 dated 07.11.2019. The charges leveled against the petitioner were in regard to the institution of the aforesaid EOU case for disproportionate assets.



5. Counsel further submits that the order of suspension dated 22.06.2022 was subsequently vacated, and the petitioner was posted at Bhojpur as Motor Vehicle Inspector. Counsel further submits that in the departmental proceeding, the enquiry report was submitted twice, and the petitioner was exonerated from the charges. Subsequently, the departmental proceeding was dropped. Counsel further submits that after the appointment of the petitioner as Motor Vehicle Inspector, 13 more persons were appointed as Motor Vehicle Inspectors by way of direct recruitment. A provisional seniority list for Motor Vehicle Inspectors was issued vide Memo No. 8450 dated 20.06.2024. In the said list, the name of the petitioner was at Serial No. 1. Subsequently, the final seniority list was also issued on 25.06.2024, however, in the Departmental Screening Committee, persons junior to the petitioner were recommended for ad-hoc promotion to the post of Additional District Transport Officer. The petitioner's case was not considered as a charge sheet had been submitted against him in the aforesaid EOU Case No. 17 of 2017. As a result, 11 persons junior to the petitioner in the seniority list have been given ad-hoc promotion to the post of Additional District Transport Officer with effect from 27.06.2024.



7. Counsel further submits that the petitioner may also be considered for ad-hoc promotion to the post of Additional District Transport Officer or District Transport Officer along with the said 11 persons. Counsel further submits that in the departmental proceeding, the charges were not proved against the petitioner, and the criminal case has been pending since 2017, i.e., for more than 8 years.

8. Counsel further submits that in this regard, a resolution has been issued by the Personnel & Administrative Department, Government of Bihar, Patna, dated 11.09.2002, stating that any departmental or criminal proceeding pending for more than two years shall not debar an employee from ad-hoc promotion. Paragraph No. 6 of the said resolution is very clear on this point.

9. Counsel further submits that the resolution of the Government is dated 11.09.2002, and the petitioner filed his representation on 11.07.2025 and further on 21.08.2025 before the Additional Chief Secretary, Transport Department, and the Joint Secretary, Transport Department, for ad-hoc promotion, however, no action has been taken by the Department on the said representations. As such, the petitioner has no option but to file the present writ petition.



10. Counsel further submits that in a similarly situated matter, a co-ordinate Bench of this Court in CWJC No. 15649 of 2017 (*Binod Kumar Jha v. The State of Bihar & Ors.*) was pleased to pass an order on 01.05.2018, directing the respondents to consider the case of the petitioner for grant of ad-hoc promotion to the post of Superintending Engineer in light of the aforesaid resolution of the Government of Bihar dated 11.01.2002 (which was subsequently rectified vide order dated 08.05.2018, to the effect that the date of the resolution mentioned in the order of this Court dated 01.05.2018, i.e., 11.01.2002, may be read as 11.09.2002).

11. Learned counsel for the State, on the other hand, submits that it is the categorical stand of the State in the counter-affidavit that, vide order dated 28.01.2026, the respondent authority is temporarily restrained from giving effect to any promotion from the post of Motor Vehicles Inspector for a period of six weeks and only it is due to this interim order dated 28.01.2026, the respondent authority is not in a position to take decision with regard to the petitioner for grant of ad-hoc promotion.

12. In light of the submissions made, and particularly in light of the resolution of the Government dated



11.09.2002, this Court is of the firm view that the Secretary, Transport Department, Government of Bihar, Patna (Respondent No. 2), is hereby directed to take a decision on the petitioner’s representation in light of the said resolution dated 11.09.2002 within 90 days from the date of production of this order.

13. It is made clear that the interim order passed by this Court dated 28.01.2026 shall not create any barrier in taking a decision with regard to the petitioner.

14. It is also made clear that parity shall be maintained with regard to the petitioner in the same manner as that of the other 11 Motor Vehicle Inspectors.

15. Accordingly, with the aforesaid observations and directions, the present writ petition is hereby allowed.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.04.2026
Transmission Date	NA

