

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7666 of 2026

=====

Ajay Kumar Son of Saukhi Yadav, Resident of Village- Pakari, Barawan,
Marwa, P.O. and P.S- Pakaribarawan, District- Nawada, 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

=====

Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Sr. Adv. Mr. Harsh Vardhan, Adv.
For the Respondent/s	:	Mr. Mujtabaul Haque, GP-12 Mr. Pranoy Kumar, AC to GP-12

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2026 Heard Mr. Raju Giri, learned Senior Advocate along

with Mr. Harsh Vardhan, learned Advocate for the petitioner and

Mr. Mujtabaul Haque, learned Advocate for the State.

2. The petitioner has invoked the extraordinary writ
jurisdiction of this Court seeking a direction upon the
respondents to consider and grant him ad hoc promotion to the
post of District Transport Officer with effect from 06.04.2026,
i.e., the date on which his juniors were granted promotion, along
with all consequential benefits.

3. The petitioner was duly appointed as a Motor
Vehicle Inspector vide Letter No. 1045 dated 15.03.2013 issued



under the signature of the State Transport Commissioner, Bihar, Patna. His services were subsequently confirmed vide Letter No. 5191 dated 30.06.2020 with effect from the date of his joining. Thereafter, the seniority list of Motor Vehicle Inspectors belonging to the Bihar Transport (Technical) Cadre was published.

4. Mr. Raju Giri, learned Senior Advocate appearing for the petitioner, referring to the aforesaid seniority list, submitted that persons junior to the petitioner, namely, Nishant Kumar and Divya Prakash, whose names figure at Serial Nos. 30 and 31 respectively, have been promoted to the post of District Transport Officer. However, the case of the petitioner was not considered for promotion on the ground that he was, at the relevant point of time, undergoing the punishment of censure. Learned Senior Advocate further submitted that the said order of censure has since been set aside by the appellate authority vide order dated 13.04.2026 (Annexure-P/7). Despite the removal of the aforesaid impediment, the claim of the petitioner for promotion to the post of District Transport Officer has not yet been considered. It is further submitted that the petitioner also brought the entire matter to the notice of the Secretary, Transport Department, Government of Bihar, Patna



by filing a detailed representation dated 27.04.2026, but no decision has been taken thereon. It is lastly contended that there now exists no legal impediment in considering the petitioner's case for promotion and, since admittedly his juniors have already been promoted, serious prejudice has been caused to the petitioner.

5. On the other hand, learned Advocate for the State submitted that since the date on which others were considered for promotion to the post of District Transport Officer, the petitioner was facing punishment of censure and, therefore, his case was not considered. He further sought a short adjournment to get instruction(s) and apprise this Court with regard to the present position.

6. Having considered the submissions advanced on behalf of the parties and upon perusal of the materials available on record, this Court, instead of keeping the matter pending for filing of a counter affidavit, deems it fit and proper to dispose of the writ petition with a direction to respondent no. 2, the Secretary, Transport Department, Government of Bihar, Patna, to consider the petitioner's claim for ad hoc promotion to the post of District Transport Officer with effect from the date on which he became entitled to such promotion, or from the date on



which his juniors were promoted, as the case may be. This Court further takes note of the fact that the punishment of censure, which constituted the sole impediment in the petitioner's consideration for promotion, no longer survives in view of its having been set aside by the appellate authority, while the juniors to the petitioner have already been granted ad hoc promotion to the post of District Transport Officer.

7. It is expected that the aforesaid exercise must be completed preferably within a period of six weeks from the date of receipt/production of a copy of this order.

8. With the aforesaid direction and observation, the writ petition stands disposed of.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

