

(2007) 07 PAT CK 0028
In the Patna High Court
Case No : CWJC No. 12916 of 2001

Akhori Vijay Kumar

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 13-07-2007

Acts Referred:

Citation : (2007) PLJR 282

Hon'ble Judges : Mridula Mishra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mridula Mishra, J.—Heard counsel for the petitioner and the State. The petitioner was posted as warden at Nawada district jail within the Gaya Central jail. His case is that he became eligible for promotion to the post of Head Warden on completion of 15 years of service. In spite of this he is not being given promotion. At one time petitioner appeared in the test held for promotion and he was put under waiting list. Thereafter he did not appear in the examination which was held in the year 2001 due to lack of proper information. The juniors who have appeared, they were promoted. Further it has been submitted by the petitioner that the Inspector General of Prisons vide circular No. 2 dated 5.5.1954 has issued direction that in case of promotion to the post of Head Warden instead of merit, seniority should be given preference, but this has also been ignored.

2. What I find that mere direction of the then Inspector General of Prisons is not sufficient for modifying or superseding the statutory direction in the jail manual which emphasizes that the promotion to the post of Head Warden will be considered on the basis of merit-cum-seniority. So far the petitioner's stand that he did not get proper information regarding the limited test being held for promotion to the post of Head Warden has been controverted by the Superintendent of Central Jail, Gaya in his counter affidavit. Stand has been taken in order to show that proper information has been given to all concerned

candidates of district jail and sub jail including Nawada sub jail where the petitioner was posted and candidates from Nawada have applied for appearing in the examination, in that circumstances, the stand which has been taken by the petitioner is totally demolished. I do not find any merit in this application. This application is accordingly dismissed. Only way left for the petitioner is compete in the test for to be promoted as per the police manual on the basis of merit-cum-seniority.