

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9990 of 2000

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1. Ajay Kumar Verma, son of late Ramchandra Prasad Verma, resident of Chandra Kutir Saraswati Lane, East Lohanipur, P.S. Kadamkuan, Dist. Patna.
 2. Satish Kumar, son of Shri Ram Babu Pandit, Resident of Mohalla Beltal, P.S. Digha, Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Agriculture Department, Government of Bihar, New Secretariat, Patna.
2. The Additional Secretary, Agriculture Department, Government of Bihar, New Secretariat, Patna.
3. The Director of Agriculture, Bihar Government, New Secretariat, Patna.
4. The Deputy Secretary, Agriculture Department, Government of Bihar, Patna.
5. Sri Prem Prakash Singh, name of father not known Surveillance Officer, Plant Protection, Agriculture Department, Dumka.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ambar Nath Banerji Mr. Bimlendu Shekhar Thakur Mr. S.K.T.Priyadarshi
For the Respondent/s	:	Mr. Awadhesh Kumar Mishra Mr. Praveen Kumar

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 28-07-2015 Heard learned counsel for the parties.

Having regard to the fact that a prayer has been made to amend the prayer made in the original writ application, this Court, keeping in view what was prayed originally in the main writ application when it was filed on 26.9.2000, is not inclined to now expand the scope of the writ application. The reason for the same is very clear. When this writ application was filed on 26.9.2000, the petitioners had only made two cause of action as is

apparent from reading of paragraph no. 1 & 2 of the writ application, which reads as follows:-

- “1. *That by this writ application the petitioners prays for quashing of order contained in Memo No. 1914 dated 29.6.2000 issued under the signature of Deputy Secretary by which Respondent No.5 is retained in the gradation list of the Category 5 (Plant Protection) of the Agriculture Subordinate Service by giving wrong interpretation of the order of this Hon'ble Court.*
2. *That the petitioners further prays for a direction upon the Respondents for preparation and publication of final gradation list of the officers of Plant Protection (Category-5) wing of the Agriculture Department.*

That the petitioners also pray for fill up all post of Plant Protection either for officiation or regular promotion only by the Officers who belong to Category-5. Plant Protection.”

During pendency of this writ application, the petitioners have filed an I.A. No. 2142 of 2012 where they want to amend the relief in the following terms:-

- “11. *That on the facts and circumstances of this case, the petitioners are advised to file this interlocutory application for a direction upon the respondents for grant of retrospective promotions/shall be provided benefit from the date of completion of Kalawadhi i.e. January 1999 and not from 2008 and 2011.”*

As is apparent, the subsequent event of petitioners of earning promotion during pendency of this writ application, will

have no co-relation with the original relief sought for which was either for quashing of the gradation list or in the form of declaration that promotion or officiation should be allowed from a particular cadre.

That being so, this Court is now not inclined to allow this amendment petition, inasmuch as, now the petitioners have a separate cause of action, whereby and whereunder, they have earned promotion during pendency of this writ application and have a grievance with regard to the date of such promotion.

Accordingly, this application is disposed of as having become infructuous but, nothing said in this order shall come in the way of the petitioners in moving appropriate authority/court for the subsequent cause of action for which the interlocutory application was filed.

(Mihir Kumar Jha, J)

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