

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4689 of 2014

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Pravin Kumar Jha, Son of Shri B.N. Jha, Resident of M.I.G. - II, Housing Board Colony, Barari, P.S. - Barari, District - Bhagalpur

.... Petitioner/s

Versus

1. The Bihar Kshetriya Gramin Bank , through the Chairman, Head Office - Personnel and Administration Department, Bhagat Singh Chawk, Munger - 811201

2. The Bihar Kshetriya Gramin Bank through the General Manager, Head Office - Personnel and Administration Department, Bhagat Singh Chawk, Munger - 811201

3. General Manager, United Commercial Bank (Sponsor Bank)

4. R.K. Verma name of the father not known to the petitioner functioning against the post of Officer, MMGS-III, Head Office, Bhagat Singh Chawk, Munger

5. S.K. Pandey name of the Father Not Known to the petitioner functioning against the post of Officer, MMGS-III, Head Office, Bhagat Singh Chawk, Munger

6. A.K. Paswan name of the father not known to the petitioner functioning against the post of Officer, MMGS-III, Head Office, Bhagat Singh Chawk, Munger

7. R.B. Verma name of the father not known to the petitioner functioning against the post of Officer, MMGS-III, Head Office, Bhagat Singh Chawk, Munger

8. P.K. Jaiswal name of the father not known to the petitioner functioning against the post of Officer, MMGS-III, Head Office, Bhagat Singh Chawk, Munger

9. E.R. Khan name of the father not known to the petitioner functioning against the post of Officer, MMGS-III, Head Office, Bhagat Singh Chawk, Munger

10. R.K. Sinha name of the father not known to the petitioner functioning against the post of Officer, MMGS-III, Head Office, Bhagat Singh Chawk, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramendra Nath Mukhopadhaya, Advocate.

For the Respondent/s : Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 02-02-2015

Heard learned Counsel for the parties as with regard to

the following relief prayed in this writ application:-

"That by this petition the petitioner prays for
direction on respondent bank to consider the case of

the petitioner for promotion to the post of Officer, MMGS-III w.e.f. 19.09.2011, i.e. from the date the juniors to the petitioner (Respondent no.-4 to 11) have been so promoted to MMGS-III.

Petitioner further prays for direction against the order dated 19/21-03-2012, issued by General Manager, Bihar Kshetriya Gramin Bank, by which the General Manager communicated the rejection of the appeal petition of the petitioner for promotion, by passing a cryptic order.

And if necessary the letter of G.M. dated 26/27/09.2011 be also set aside, which has been passed without application of mind."

After some arguments, Mr. R.N. Mukhopadhyay, learned counsel for the petitioner, having regard to the disputed claim made by the petitioner in paragraph no. 19 of the writ petition reading as follows:-

"That on 25.01.2011 the selection committee did not put any question in the interview and did not made any oral query. The selection committee only asked the name of the petitioner and the designation and then allowed to leave, and also did not recorded any oral proceeding of the said oral examination."

and its reply by the Respondent in paragraph no. 18 of the counter affidavit reading as follows:-

"That with respect to statement made in para-19 of the writ petition, it is stated that the petitioner

appeared before the selection committee on 26.08.2011 and not on 26.04.2011 and the members of the selection committee duly interviewed the petitioner and as per his performance in the interview awarded marks."

wants to withdraw this writ application in order to enable the petitioner to file civil suit to prove that the petitioner was not subjected to a fair selection process and had been deliberately failed in the interview

This Court, therefore, without expressing any opinion on such submission of learned counsel for the parties, would simply accord leave to the petitioner to withdraw this writ application, but it is made clear that the petitioner will now have no liberty to move this Court for the same cause of action.

(Mihir Kumar Jha, J)

Sujit/-

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