

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.563 of 2014

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1. Arvind Kumar S/O Late Lakhpatt Sharma R/O Rahul Nagar, P.O- Khabra, P.S-
Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Cum Agriculture Production Commissioner, Department
Of Agriculture, Vikash Sachivalaya, Patna, Bihar.
3. The Director, Department Of Agriculture Vikash Sachivalaya, Patna Bihar.
4. The Director, Administration, Department Of Agriculture, Vikash Sachivalaya,
Patna, Bihar.
5. The Principal Secretary Cum Commissioner, Cabinet Vigilance Department,
Government Of Bihar, Suchana Bhawan, Bailey Road, Patna, Bihar.
6. The Director General, Vigilance Investigation Bureau, Patna, Bihar.
7. The Joint Director Agriculture, Tirhut Range, Muzaffarpur, Bihar
8. The District Agriculture Officer Combined Building, Muzaffarpur.
9. The District Magistrate, Muzaffarpur.
10. Ram Pukar Singh, Kalambagh Road, Muzaffarpur through Then Agriculture
Production Commissioner Sri A.K. Sinha, Present Chief Secretary, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the Respondent/s : Mr. Abbas Haidar, SC 16

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-02-2015

The whole argument being made on behalf of the
petitioner for quashing Annexure- 17 dated 31.1.2013 is academic
now for the reason that the petitioner has already superannuated from
his post on 31.12.2009.

From a reading of the speaking order, which has been
passed at the instance of a previous direction issued by the High
Court, the Secretary, Agriculture, Government of Bihar has narrated
the reasons for non- consideration of grant of promotion in Class II

because it is not a case that his claim was not placed before the BPSC and the DPC. When the matter came up for consideration, petitioner was facing a vigilance inquiry. What was the merit of the inquiry is not for this Court to go into the present proceeding but if there was a vigilance case pending against him then obviously he could not be granted promotion at the time when the consideration was made. Unfortunately for the petitioner he superannuates on 31.12.2009. The question of such promotion being illegally denied is a figment of imagination of the petitioner. The cause given and the reasons of non- grant are cogent and valid reasons. Therefore, no direction is required to be issued at this stage to give any benefit of promotion, especially after he has superannuated years ago.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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