

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15440 of 2015

=====

1. Arun Kumar Baranwal Son of Late Basudeo Prasad Barnwal resident at
P.O. and P.S. B. Deoghar, District - Deoghar (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
Government of Bihar, Patna
2. The Principal Secretary - Cum - Commissioner, Commercial Taxes
Department, Government of Bihar, Patna
3. The Principal Secretary, Department of General Administration,
Government of Bihar, Patna
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of
Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra, Advocate

For the Respondent/s : Mr. Lalit Kishore- PAAG

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

2 02-12-2015

This writ application is disposed of with a direction
upon the respondent State authorities to grant promotion to
the petitioner in terms of the recommendation of the DPC.

The impediment which stood in the way of the
petitioner due to pendency of a writ application, which led to
issuance of a general order issued by the General
Administration Department, will not come in the way of the
claim of this petitioner in view of the decision rendered by a
Division Bench as well as upholding the decision of the learned
Single Judge.

Merely because the State wants to assail the said
decision before the Hon'ble Apex Court after seeking opinion of

the Attorney General, that cannot come in the way of this petitioner right for promotion.

It is, however, made clear that a rider may be added to the orders of promotion that it will be subject to the outcome of the decision which may be rendered by the Hon'ble Supreme Court and that grant of promotion in this circumstance will not be treated as a substantive right as such.

Respondents are directed to take an early decision, preferably, within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

P.K./-

U			
---	--	--	--