

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1142 of 2012

IN

Civil Writ Jurisdiction Case No. 4417 of 2005

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1. The State Of Bihar Through The Commissioner-Cum-Secretary (Mines & Geology), Department Of Mines And Geology, Government Of Bihar, Patna
 2. The Commissioner-Cum-Secretary (Mines & Geology) Department Of Mines & Geology, Government Of Bihar, Patna
 3. The Joint Secretary (Mines And Geology) Department Of Mines And Geology, Government Of Bihar, Patna
 4. The Under Secretary (Mines & Geology) Department Of Mines & Geology, Government Of Bihar, Patna
 5. The Commissioner-Cum-Secretary Personnel And Administrative Reforms Department, Government Of Bihar, Patna

.... Appellants

Versus

1. Sri Triveni Das S/O Late Kartic Das R/O Mohalla-Sari Dhela, Post- Sari Dhela, P.S.- Dhanbad, District- Dhanbad
2. The State Of Jharkhand, Through Its Commissioner-Cum-Secretary Department Of Mines & Geology, Government Of Jharkhand, Ranchi

.... Respondents

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Appearance :

- For the Appellants : Mr. D.K. Sinha, Sr. Advocate
Mr. Rajendra Prasad, Advocate.
- For the Respondent No.1 : Mr. AKASHDEEP, Advocate.
- For the Respondent No.2: Mr. Dhruva Mukharjee, Sr. Advocate (AAG)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 12-02-2015

The State is in appeal against the order of the learned single Judge, by which the learned single Judge has, interalia, held that the writ petitioner having requisite qualification and eligible for promotion was made to work at the promotional post on officiating basis for 18 long years instead of granting him promotion. This was

found to be wrong and accordingly the writ petition was allowed with a direction to the State of Bihar to consider the writ petitioner for promotion and grant the same. The State of Bihar maintained that there was no vacancy. This was rejected by the learned single Judge apparently because the very fact that the writ petitioner was working on that basis for 18 years though on officiating basis shows that the post was available.

Having considered the matter, in our view the findings of the learned single Judge being what they are, we are not inclined to interfere in the matter.

The appeal is accordingly dismissed.

(Navaniti Prasad Singh, J)

Abhay/-

(Jitendra Mohan Sharma, J)

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