

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16048 of 2007

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Rameshwar Nath Pathak, son of Late Ram Khushi Pathak, resident of village Niyazipur, P.S.- Simari, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Commissionery, West Gandhi Maidan, Patna.
3. The District Magistrate, Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. (GP15)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 13-05-2015

No one appears in support of the writ application.

Heard the Counsel for the State.

I.A. No. 2911 of 2015 has been filed by the widow of the original writ petitioner stating therein that during the pendency of the application, the original petitioner died and the applicant being the wife is entitled to be substituted.

The said application is allowed.

On bare perusal of the writ application, it appears that the petitioner is raising a stale claim. The original petitioner joined the service on 31st December, 1966 as Assistant in Ara Collectorate and superannuated on 31.7.2000 while working as Head Clerk, Rajpur Block, District-Buxar. Now, a grievance has been raised that he was entitled to second time bound promotion w.e.f. 1.4.1984. Obviously,

such claim is stale and cannot be entertained. That apart, pleadings made in the writ petition in support of the claim are also vague. For all these reasons, the invocation of writ jurisdiction would not be an appropriate exercise.

The writ application is dismissed. Dismissal of the application shall, however, not preclude the petitioner from raising such claim before the appropriate authority in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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