

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15967 of 2007

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Mahendra Prasad Singh, son of Late Bankey Bihari Singh, resident of
village-Rasalpur, P.S. Bajpatti, District-Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Patna
2. Bihar Public Service Commission through its Secretary, Baily Road, Patna
3. Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
4. Director (Administration)-cum-Joint Secretary, Human Resources Development Department, Govt. of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha
Mr. Prashant Kumar Jha
Mr. Bam Bahadur Jha
Mr. Sushil Kumar Jha
Mr. Abhay Kumar Jha

For the Respondent/s : Mr. AC to AAG-6
Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 06-07-2015 Heard learned counsel for the petitioner and learned

AC to AAG-6.

The sole petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of a Notification dated 03.10.2007, contained in Annexure-1 series to the writ petition, issued under the signature of Director (Administration)-cum-Joint Secretary, Human Resources Development Department, Govt. of Bihar,

whereby the date of promotion of the petitioner along with other similarly situated persons was shifted. A plea has been taken that this notification has been issued without affording any opportunity to the petitioner.

Learned counsel for the petitioner submits that the petitioner's name finds place at Annexure-1 series, which is order, contained in Memo No.1480 dated 03.10.2007 (at page 25-26 of the writ petition). It was submitted that petitioner's name finds place at Sl. No. 20, which indicates that the petitioner was promoted from Bihar Subordinate Education Service to Bihar Education Service, Grade-II and his promotion was given with effect from 01.04.1988. However, the date of promotion of the petitioner to Bihar Education Service, Grade-II has been shifted to 01.01.1997. By way of placing another Notification contained in Memo No.1478 dated 03.10.2007, learned counsel for the petitioner submits that in identical situation, one Surendra Prasad Srivastava and others had approached this Court and this Court, keeping in view the fact that the order impugned was in violation of principle of natural justice, set aside the impugned order by its order dated 22.12.2009 passed in C.W.J.C.No.1206 of 2008. He further submits that in similar manner other writ petitions were also

filed i.e. C.W.J.C.No.1100 of 2008, which was allowed with other three writ petitions.

Learned counsel for the State submits that the notification impugned was issued virtually in compliance with the order passed by this Court in a writ petition. It has not been disputed that in the said writ petition, the petitioner was not party. Keeping in view the fact that in similar situation, this Court has already interfered with the matter, the Court is of the opinion that the present writ petition may also be disposed of in the same terms i.e. order dated 22.12.2009 passed in C.W.J.C.No.1206 of 2008 to the extent of Serial no.20, which pertains to the case of the petitioner in Annexure-1 Series i.e. Notification no.1480 dated 03.10.2007. The same is set aside.

The writ petition stands allowed on the same terms without prejudice to the rights of the Respondents to proceed afresh in accordance with law should they so desire.

(Rakesh Kumar, J)

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