

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8554 of 2008

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Rajeshwar Prasad, son of Late Judagi Prasad, resident of village Dorna Mathiya, Police Station- Dulhin Bazar in the District of Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Engineer-In-Chief-cum-Additional Commissioner Road Construction Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Road Construction Circle, Gaya.
5. The Executive Engineer, Road Construction Division No. I, Jehanabad.
6. Dilip Kumar, son of not known to the petitioner, at present posted as Head Clerk, Road Construction Division, Nawadah, under Gaya Circle.
7. Ram Prakash Rabidas, son of not known to the petitioner, at present posted as Head Clerk, Road Construction Division No. I, Gaya under Road Construction Circle, Gaya.
8. Suresh Kumar Rajak, son of not known to the petitioner, at present posted as Head Clerk, in the office of Superintending Engineer, Road Construction Circle, Gaya
9. Shrikant Tiwary, son of not known to the petitioner, at present posted as Head Clerk in Gaya Road Construction Division No. II, under Road Construction Circle, Gaya.
10. Bal Krishna Pandey, son of not known to the petitioner, at present posted as Head Clerk in the office of Superintending Engineer, Road Construction Circle, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. P.K.Verma (Aag5)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 02-04-2015 Heard Sri Sunil Kumar, learned counsel for the petitioner and Sri P.K.Verma, learned A.A.G.– 5.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents to promote him as Head Clerk with effect from the year 2002. It was claimed that respondent no. 6 to

10, who were junior to the petitioner, were granted promotion ignoring the case of the petitioner and also a prayer has been made for directing the respondents to consider the case of the petitioner for promotion since the petitioner has already passed Accounts examination in the year 2005.

In this case, a counter affidavit has been filed on behalf of respondent no. 3 & 4 and specific stand has been taken in paragraph – 5 of the counter affidavit that earlier by suppression of fact, certain correspondence clerk were promoted, however; after noticing the error, vide **Annexure ‘A’ & ‘B’** to the counter affidavit, those persons have already been reverted. Meaning thereby that it has been indicated that respondent no. 6 to 10 have already been reverted back. It has further been pleaded that petitioner’s name finds in lower place in gradation list and as such, presently, he is not entitled for the relief sought for in the present writ petition.

In view of facts and circumstances, particularly; the fact disclosed in the counter affidavit, I do not find any ground to pass any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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