

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15692 of 2015

1. Surendra Kumar Shrivastava, son of Late Chandrika Prasad, Resident of Mohalla - New Chandmari, Near Durga Mandir, Motihari, P.S. - Motihari, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Bihar, Patna - cum - Member of Departmental Proceeding of Commercial Taxes Department, Bihar, Patna.
3. The Commissioner of Commercial Taxes-cum-Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
4. The Chairman of Departmental Promotion Committee, Bihar, Patna - cum - Member Board of Revenue, Bihar, Patna.
5. The Under Secretary to Government of Bihar, Department of Commercial Taxes Department.
6. Sri Rajesh Kumar, son of not known to the petitioner, the Assistant Commissioner of Commercial Taxes at Patna, Madhya Anchal, Patna.
7. Sri Krishna Kant Yadavendu, Son of not known to the petitioner, the Assistant Commissioner of Commercial taxes, Karmanasha Janch Chowki.
8. Sri Asharfilal Vidyarthi, son of not known to the petitioner, Assistant Commissioner of Commercial Taxes at Purnea Division (Audit), District - Purnea.
9. Mahanth Baitha, Son of Not known to the petitioner, the Assistant Commissioner of Commercial Taxes at Gaya Circle, Gaya.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 15943 of 2015

1. Surendra Prasad, son of Late Hari Saw, resident of R.K. Plaza, Flat No. 202 at Lalji Tola, behind C.D.A. Building, Police Station- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Bihar, Patna cum- Member of Departmental Proceeding of Commercial Taxes Department, Bihar, Patna.
3. The Commissioner of Commercial Taxes cum- Principal Secretary Department of Commercial Taxes Bihar, Patna.
4. The Chairman of Departmental promotion Committee Bihar, Patna -cum- Member Board of Revenue, Bihar, Patna.
5. The Under Secretary to Government of Bihar, Department of Commercial Taxes Department.
6. Sri Shankar Sharma, son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal

Secretary, Department of Commercial Taxes, Bihar, Patna.

7. Sri Md. Moinuddin son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

8. Sri Sunil Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

9. Smt. Shila Pratima Kuzur son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

10. Md. Shahik son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

11. Sri Devnand Sharma son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

12. Md. Asunujama son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

13. Sri Rajiv Ranjan son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

14. Sri Kyamul Haque Ansari son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

15. Sri Sanjay Kumar Prasad son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

16. Sri Jaishankar Singh son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

17. Sri Mohan Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

18. Sri Vijay Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

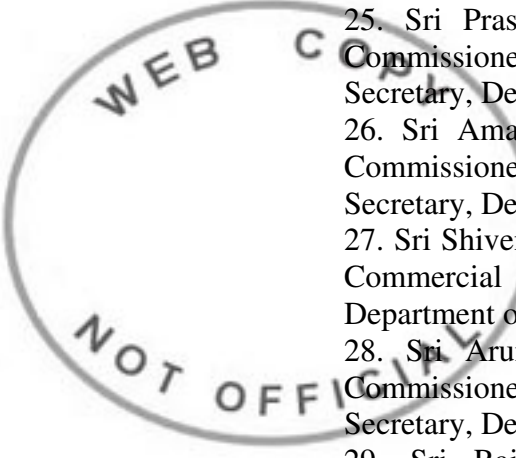
19. Udain Mishra son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

20. Smt. Sima Bharti son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

21. Dr. Dinakar Prasad son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

22. Sri Dipak Kanan son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

23. Sri Durga Prasad Mandal son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

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24. Sri Jaleshwar Prasad son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
25. Sri Prashant Kumar Jha son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
26. Sri Amar Nath Choudhary son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
27. Sri Shiven Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
28. Sri Arun Kumar Singh son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
29. Sri Rajendra Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
30. Sri Shrawan Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
31. Sri Ajitabh Mishra son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
32. Sri Sanjiv Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
33. Sri Nishith Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
34. Md. Zakir Ali Anasri son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
35. Sri Sanjit Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
36. Sri Vinay Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
37. Sri Kartik Kumar Singh son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
38. Sri Praveen Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
39. Sri Shailendra Kumar Pandey son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
40. Sri Abhik Awatans son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.
41. Sri Anup Kumar son of not known to the petitioner, Assistant Commissioner,

Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

42. Sri Anil Kumar Singh Vidyarthi son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

43. Sri Shashi Bhanu son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

44. Sri Deepak Raj son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

45. Sri Manindra Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

46. Sri Shiril Bek son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

47. Sri Tej Kumar Kuzur son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

48. Sri Rashmi Kumar Singh son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

49. Sri Sunil Kumar Jaiswal son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

50. Sri Rabindra Kumar son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

51. Sri Anil Kumar Pandey son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

52. Sri Raj Kishore Prasad son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

53. Sri Rajesh Kumar Sinha son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

54. Sri Krishnakant Yadvendu son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

55. Sri Asharafi Lal Vidyarthi son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

56. Sri Mahanth Baitha son of not known to the petitioner, Assistant Commissioner, Commercial Taxes, through Commercial Taxes-cum- Principal Secretary, Department of Commercial Taxes, Bihar, Patna.

.... Respondent/s

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Appearance :

(In CWJC No. 15692 of 2015)

For the Petitioner/s : Mr. Indu Bhushan
For the Respondent/s: Mr. MD. RAISUL HAQUE- SC4
(In CWJC No. 15943 of 2015)
For the Petitioner/s : Mr. Indu Bhushan
For the Respondent/s: Mr. DINBANDHU SINGH, GP 9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 24-11-2015

In both matters the stand of the respondent State is that it is because of the General Administration Department's directive issued on 12.8.2014 that promotion across the board is not being granted.

The Court has had occasion to deal with such matter even earlier and it has come to a considered opinion that after the Division Bench of this Court has already upheld the decision of the learned Single Judge striking down the circular in relation to grant of promotion to SC/ST, there is no impediment in the way of all eligible candidates being granted promotion, especially when DPC has recommended their cases.

Till date, there is no order which has been passed by the Hon`ble Apex Court in the so-called SLP, filed by the State and an employee cannot wait indefinitely awaiting final adjudication from the Apex Court when there is no restraint order against either the learned Single Judge or the Division Bench's decision.

Both the writ applications stand disposed of with specific direction upon the Principal Secretary, Commercial Taxes Department that the right of the petitioners to be granted promotion in terms of the

decision of the DPC will accrue. A decision in this regard will be taken within a period of three months from today.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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