

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16584 of 2004

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1. Baleshwar Rai son of late Dharamraj Rai Resident of village Samula, P.O. Mardan Rai ka Pipara, Police Station Karhar, District Rohtash (Sasaram) At present residing at Near M.V. College, Adjacent to Bharat Gas Agency, Bach of Kunwar Vijay Cinema, P.O., P.S. and District Buxar.
 2. Ganauri Rout son of late Budhan Rout, Resident of village Madhepur, Police Station Barbigha, Sheikhpura, Dist. Sheikhpura.

.... Petitioners

Versus

1. The State of Bihar
2. The Secretary Cum Commissioner, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
3. The Joint Secretary, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
4. The Deputy Secretary, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
5. The Under Secretary Water Resources Department, Government of Bihar Sichai Bhawan Patna.
6. The Secretary cum Commissioner, Finance Department , Government of Bihar, Patna.
7. The Deputy Secretary, Finance (Personal Claim and Fixation) Department, Government of Bihar, Patna.
8. The Accountant General, Bihar, Birchand Patel Marg, Patna.

.... Respondents

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Appearance :

For the Petitioners : None
For the Respondents : Mr. (SC6)
Mr. J.P.Karn

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 27-04-2015

None for the petitioners.

Heard learned counsel for the State.

The two petitioners herein have filed the present writ petition for issuance of appropriate writ/order/direction to quash the orders contained in Annexures 14 and 17 respectively.

It appears that both the petitioners had earlier moved

this Court separately which were disposed of directing the concerned respondents to consider the representation of the petitioners and pass appropriate orders in accordance with law. In the light of the said order representations were filed which have been considered and disposed of by the impugned orders. The petitioners have been denied increment(s) on the ground that within three years of their promotions they did not pass the relevant departmental examination(s) which would disentitle them from payment of increment.

Similar stand has been taken in the counter affidavit filed on behalf of the respondents State. It appears therefrom that the petitioners prayed for the aforesaid relief based on an order of this Court contained in Annexure-6. However, on perusal of the order passed and contained in Annexure-6, prima facie, it appears that the same was rendered in a different factual background. The orders which have been impugned are well- reasoned. I find no patent illegality in those orders meriting interference by invocation of extraordinary and discretionary writ jurisdiction.

The application is dismissed.

No order as to costs.

(Kishore Kumar Mandal, J)

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