

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9834 of 2015

Smt. Sarita Sinha wife of Shailendra Kumar, resident of village - Salampur Salkhari, P.S. Patepur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary-cum-Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 9845 of 2015

Pankaj Kumar Sinha son of late Achutanand Prasad Sinha, resident of Mohalla-Purabsarai, P.O + P.S and District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department of Bihar, Patna.
2. The Principal Secretary-cum-Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11779 of 2015

Om Prakash Gupta son of Late Satyanarain Prasad, resident of Satyanarain Palace, Bhawar Pokhar, Patna - 800004.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary - cum - Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of

Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 12795 of 2015

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Chandan Kumar son of late Lalan Prasad, resident of E-7, Soubhagya Apartment,
South Office Para, Doranda, Ranchi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
Government of Bihar, Patna.
2. The Principal Secretary-cum-Commissioner, Commercial Taxes Department,
Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of
Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10171 of 2015

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Gopal Narayin Prasad Sinha, son of late Murli Manohar Prasad Sinha, resident of
Manohar Bhawan, J.R.K. Path, Kadam Kuan, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
Government of Bihar, Patna.
2. The Principal Secretary-cum-Commissioner, Commercial Taxes Department,
Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of
Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar,
Patna.

.... Respondent/s

with

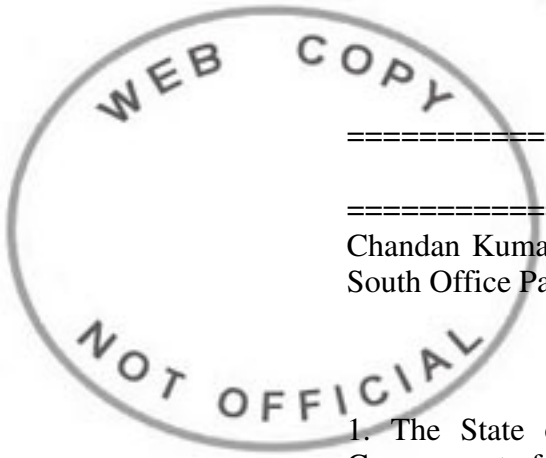
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Civil Writ Jurisdiction Case No. 10919 of 2015

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Baidya Nath Prasad, son of Late Jaggu Rama, resident of village 4B, Konark
Apartment, East Boring Canal Road, District Patna.

.... Petitioner/s



Versus

1. The State of Bihar through the Principal Secretary, Finance Department , Government of Bihar, Patna.
2. The Principal Secretary-cum-Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11305 of 2015

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Purnendu Kumar Jha son of late Banshidhar Jha, resident of village- Nav Nagar, P.O.- Nanaur, P.S- Andhrathari, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary-cum-Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11714 of 2015

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Gopal Prasad son of Rameshwar Prasad, resident of Om Sai Enclave, Flat No. 201, Nala Road, Kadam Kuan, Patna- 800004

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna
2. The Principal Secretary-cum-Commissioner, Commercial Taxes Department, Government of Bihar, Patna
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
4. The Principal Secretary, Department of Cabinet Coordination, Govt. of Bihar

.... Respondent/s

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Appearance :

(In CWJC No. 9834 of 2015)

For the Petitioner/s : Mr. Bidhanesh Misra

For the Respondent/s : Mr. LALIT KISHORE- PAAG
(In CWJC No. 9845 of 2015)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. LALIT KISHORE- PAAG
(In CWJC No. 11779 of 2015)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. LALIT KISHORE(PAAG)
(In CWJC No. 12795 of 2015)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. LALIT KISHORE- PAAG
(In CWJC No. 10171 of 2015)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. LALIT KISHORE (PAAG)
(In CWJC No. 10919 of 2015)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. LALIT KISHORE- PAAG
(In CWJC No. 11305 of 2015)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. LALIT KISHORE (PAAG)
(In CWJC No. 11714 of 2015)
For the Petitioner/s : Mr. Bidhanesh Misra
For the Respondent/s : Mr. LALIT KISHORE (PAAG)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 28-08-2015

All these writ applications are disposed of with a direction upon the respondent State authorities to grant promotion to the petitioners in terms of the recommendation of the DPC.

The impediment which stood in the way of the petitioners due to pendency of a writ application, which led to issuance of a general order issued by the General Administration Department, will not come in the way of the claim of these petitioners in view of the decision rendered by a Division Bench as well as upholding the decision of the learned Single Judge.

Merely because the State wants to assail the said decision

before the Hon`ble Apex Court after seeking opinion of the Attorney General, that cannot come in the way of these petitioners' right for promotion.

It is, however, made clear that a rider may be added to the orders of promotion that it will be subject to the outcome of the decision which may be rendered by the Hon`ble Supreme Court and that grant of promotion in this circumstance will not be treated as a substantive right as such.

Respondents are directed to take an early decision, preferably, within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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