

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11387 of 2015

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1. Barun Kumar Sikdar, son of Late R.N. Sikdar, Resident of Village + P.O. + P.S.
- Jai Nagar, 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 Administrative Government of Bihar, Patna.
4. The Principal Department of Cabinet Co-ordination, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s: Mr. Ajay Kumar Sharma, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-11-2015

The stand of the State in the counter affidavit that they have precluded from granting benefit of promotion to anybody across the Board because of the General Administration Order No. 11218, dated 12.08.2014, no longer holds good in view of the fact that the resolution under challenge in the said writ application has already been quashed and the said decision of the learned Single Judge has been upheld by the Hon`ble Division Bench. There is no order as yet in the so called S.L.P. moved by the State.

In view of the same and keeping in mind that the DPC has

already recommended grant of promotion to the petitioner on the post of Assistant Commissioner, Commercial Taxes Department w.e.f. 05.05.2008, respondents are directed to take steps for notifying the benefit of promotion and the recommendation of the DPC without further delay. The State however does have the privilege for indicating in the said notification that it may be subject to outcome of the Apex Court's decision and grant of such benefit will not be treated as a substantive right, if the Apex Court opines otherwise.

Writ application is disposed of with above direction.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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