

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15340 of 2007

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Barmeshwar Prasad S/o late Ram Prit Prasad, resident of village Tirojpur,
P.S. Udwant Nagar, Distt. – Bhojpur, Retired Mohril, Settlement Officer,
Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Consolidation, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
Mr. Vivek Kumar
Mr. Prafull Chandra Thakur

For the Respondent/s : AC to Addl. Advocate General - 8

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 15-04-2015 Today again, on call, a prayer is being made by learned A.C. to Addl. Advocate General – 8 for granting further time for filing counter affidavit. Earlier on 26-02-2015, keeping in view the fact that writ petition was filed in the month of November, 2007, on the prayer made by learned counsel for the State, the case was adjourned for filing counter affidavit with an indication that if within time no counter affidavit is filed, on the next date, the court may proceed with the case on the basis of materials available on record. Accordingly, the Court is of the opinion that there is no need to grant further time to State counsel.

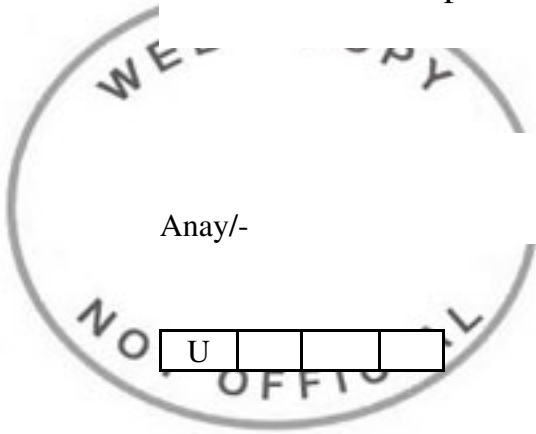
The petitioner, who retired as Mohril w.e.f. 30-04-2007 from the office of respondent no. 2, has filed the



present writ petition in the year 2007 with a prayer to direct the respondents to provide him junior and senior selection grade promotion as well as for providing benefit under the A.C.P. scheme. It was clarified that the petitioner had already passed departmental examination in the year 1978-79, even then, no such benefit was given to the petitioner. The petitioner had also filed representation before the Director, Consolidation, Bihar/respondent no. 2, however; no decision has been taken.

In view of the facts and circumstances, the Court is of the opinion that writ petition can be disposed of granting liberty to the petitioner to file a detailed fresh representation alongwith copy of this order before respondent no. 2 i.e. Director, Consolidation, Bihar, Patna within a period of eight weeks from today. If such representation is filed, the respondent no. 2 is required to examine the grievance of the petitioner and take final decision, preferably; within a period of three months from the date of filing of such representation. It is made clear that if respondent no. 2 considers the claim of the petitioner as genuine, he is required to pass consequential order within aforesaid time. Even in case of refusal, the respondent no. 2 is required to pass a reasoned order and communicate the same to the petitioner within three months from the date of filing of such representation.

With above observation and direction, the writ
petition stands disposed of.



(Rakesh Kumar, J.)