

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2753 of 2015

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Bidya Sagar Prasad Shrivastava son of Late Haribansh Lal, resident of Mohalla- Sherganj (Bara), Post and police Station- Sasaram, District- Rohtas

.... Petitioner/s

Versus

1. The Nagar Parishad, Sasaram through its Chief Councillor
2. The Chief Councillor, Nagar Parishad, Sasaram, District- Rohtas
3. The Executive Officer, Nagar Parishad, Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey, Adv.

For the Nagar Parishad : Mr. Vijay Shankar Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-02-2015

Heard learned counsel for the parties.

This Court would find it difficult to grant any relief to the petitioner prayed in this writ application because not only the petitioner assails the order of promotion of the year 2006 even without making any one so promoted as a party to the writ application but even otherwise the petitioner, holding the post of Sanitary Inspector, could not have been prejudiced or aggrieved on account of such order of promotion of other employees of Nagar Parishad because the petitioner was not to be considered against those promotional posts. The petitioner's substantive appointment being on the post of Sanitary Inspector and there being no promotional post of Sanitary Inspector, he cannot

challenge the promotion of any one and every one because he has not been able to earn promotion. For earning promotion, there has to be a cadre and there has to be a promotional post. The post of Sanitary Inspector in Municipality/Nagar Parishad, being a single post, and there being no promotional post of Sanitary Inspector, he has to remain content either with that post or the benefit of time bound promotion or the scheme of Assured Career Progression (A.C.P.) which are the only substitute by way of anti stagnation removal measures for regular promotion.

Thus, both on account of delay and laches on the part of the petitioner as also on merit, this application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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