

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5150 of 2015

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Md. Shahjahan son of late Moula Bux, residing of Moula Bagh P.S.+ P.O.-
Phulwarisharif, District- Patna, At present working as I/C Sanitary
Inspector, Ward no.59 Patna City Circle of Patna Municipal Corporation,
Patna.

.... Petitioner/s

Versus

1. The Municipal Commissioner Cum Chief Executive Officer, Patna
Municipal Corporation, Patna.
2. The Executive Officer, Patna City Circle, Patna Municipal Corporation,
Patna City.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mani Madhukar, Adv
For the State	:	Mr. Hargovind Singh Himkar, Adv
For the P.M.C.	:	Mr. Ranjeet Kumar Pandey, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 10-04-2015 Heard learned counsel for the parties.

The prayer of the petitioner in this writ
application reads as follows:-

*“To consider and promote the petitioner on
the post of Sanitary Inspector.*

*To fix his pay in the scale of Sanitary
Inspector Rs. 9300/- to 34,400/-.*

*To allow consequential benefit for which
the petitioner is entitled i.e. 20% of pay for doing
the work of higher responsibility of Sanitary
Inspector while he is posted as Sanitary
Supervisor.”*

Earlier when this case was heard 02.04.2015, the

following order was passed:-

“Having regard to the fact that the petitioner fails to satisfy this Court that anyone junior to him holding the post of Sanitary Supervisor has been promoted on the post of Sanitary Inspector this Court must hold the present writ application to be wholly ill-advised and misconceived.

Learned counsel for the petitioner, however, wants to file a supplementary affidavit to explain this aspect that the petitioner stands discriminated in the matter of promotion.

Put up this case after one week under the same heading for final disposal alongwith C.W.J.C.No. 4950/2015.”

Today learned counsel for petitioner has submitted that though supplementary affidavit has been filed by him but the petitioner has not been able to find out the name of any junior so promoted. Learned counsel for the petitioner explains that 13 persons were promoted on the post of Sanitary Inspector and that should be good enough to also direct the respondents to promote the petitioner.

This Court, would find it difficult to issue such direction because it is the settled principle of service jurisprudence that no person can claim promotion unless

junior to him has been promoted. In the present case, even when the petitioner was given an opportunity to file a supplementary affidavit for bringing name of his juniors who were promoted, he has failed to do so. This Court therefore is of the opinion that the plea of discrimination is incapable of being adjudicated due to want of necessary facts.

That being so, this writ application is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Ranjan/-

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