

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7491 of 2014

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Surj Mohan Sinha, son of Late Parmeshwar Dayal Sinha, resident of House no. 90, Road No. 1E, New Patliputra Colony, P.O. and P.S. Patliputra, Town & District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Department of Labour Resources, Government of Bihar, New Secretariat (Vikas Bhawan), Patna
3. The Director, Directorate of Employment and Training (Employment), Department of Labour Resources, Government of Bihar, New Secretariat (Vikas Bhawan), Patna
4. The Additional Director (Employment), Directorate of Employment & Training (Employment), New Secretariat (Vikash Bhawan), Bihar, Patna
5. The Assistant Director (Employment), Sub - Regional Employment Exchange, Patna
6. The Deputy Director (Employment), Directorate of Employment & Training (Employment), New Secretariat (Vikash Bhawan), Bihar, Patna
7. Sri Sanjay Kumar Sinha, son of Late Rajendra Prasad, Presently posted as the District Employment Officer, District Employment Exchange, At & P.O. Biharsarif, District - Nalanda
8. Sri Abhay Kumar Thakur, son of Late Hari Mohan Thakur, presently posted as Junior Employment Officer, Directorate of Employment 4th Floor, New Secretariat (Vikas Bhawan), Bihar, Patna
9. Sri Satya Prakash Sinha, Son of not known to the Petitioner, Presently posted as Junior Employment Officer, Sub - Regional Employment Exchange, Transit Hostel, Birchand Patel Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr.Adv.
Mr.Rajesh Mohan, Adv.

For the Respondent nos.1to6: Mr. Rajesh Kumar, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 21-01-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the State of Bihar and its functionaries to consider his case for granting him promotion on the post of Employment Officer. He

has also prayed for quashing the notification dated 27.06.2008 (Annexure-5) as also the order dated 16.02.2010 (Annexure-6), whereby, according to the petitioner, persons junior to him have been granted promotion on the post of Employment Officer and the claim of the petitioner has not been considered.

A counter affidavit has been filed on behalf of the respondent nos.3 and 6 wherein, though claims raised on behalf of the petitioner have been contested, but finally in paragraph 19 it has been stated that the claim of the petitioner for grant of promotion is under consideration by the Department. In the same paragraph, it has further been stated that “the claim of the petitioner for promotion will be examined properly by the Department as per the Rules.”

In view of the averments made in the aforesaid counter affidavit filed on behalf of the respondent nos.3 and 6, this Court is of the opinion that no useful purpose will be served by keeping the present matter pending for deciding all the issues raised on behalf of the petitioner in the present proceeding as in that case the notices will have to be issued to the private respondents and the matter shall get delayed. Therefore, this Court is of the opinion that interest of justice shall be sub-served, if the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent no.2, raising all the pleas, which have been raised in the present proceeding. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent no.2 either himself or any other competent authority of the respondent State

shall be obliged to consider and decide the claims raised on behalf of the petitioner, after giving an opportunity of hearing to all concerned, strictly in accordance with law by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such comprehensive representation by the petitioner. If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential orders shall also be issued granting such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and the same is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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