

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17212 of 2014

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Prabhat Kishor Sharan son of Late Lalji Sharan, resident of village 204, Manav Enclave, New Patliputra Colony, P.O. and P.S. Patliputra District - Patna.

.... 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 Administration, Government of Bihar, Patna.
4. The Additional Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
5. The Deputy Commissioner, Department of Commercial Taxes, Government of Bihar, Patna.
6. The Under Secretary, Department of Commercial Taxes, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra
Mrs. Tanuja Mishra

For the Respondent/s : Mr. Mithilesh Kumar Pathak, SC-7
Mr. Arnn Kumar Prasad, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-01-2015 Heard the parties.

The simple grievance of the petitioner in the present writ petition filed under Article 226 of the Constitution of India is that though neither any departmental proceeding nor any criminal proceeding is pending against him, yet his case for grant of promotion on the post of Joint Commissioner, Department of Commercial Taxes, Government of Bihar, Patna has been kept in a sealed cover and in the meantime, the persons junior to him have already been granted promotion to the higher posts.

In view of the nature of grievance raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of deciding the entire dispute in the present proceeding,

the interest of justice shall be sub-served if the petitioner is granted liberty to file a comprehensive representation with all supporting documents raising all the pleas, which have been raised in the present proceeding, before the respondent No.2- the Principal Secretary-cum-Commissioner, Commercial Taxes Department, Government of Bihar, Patna. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a maximum period of one month 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 of the petitioner by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of such representation.

If on consideration of the materials the respondent no. 2 or any other competent authority of the respondent State comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of 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 it is left to be decided by the competent authority of the respondent State strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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