

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12340 of 2007

Gulab Chandra Mishra, son of Late Narayan Mishra, resident of Nathnagar, Station Road, P.S. Nathnagar, District-Bhagalpur, at present –Rearer (Group ‘D’ in the office of General Manager, Malbari Training-cum-Extension Centre, Kumarbagh, Bettiah, District-West Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The Industrial Development Commissioner, Department of Industries, New Secretariat, Govt. of Bihar, Patna
3. The Director, Handloom and Sericulture Department of Industries, Patna
4. The General Manager-cum-Incharge Malwari Extension Training Centre, Kumarbagh, Bettiah (West Champaran)

.... Respondents

Appearance :

For the Petitioner/s : Mr. AMAR NATH MISHRA

For the Respondent/s : Mr. AC to PAAG

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 19-02-2015

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Heard Sri Amar Nath Mishra, learned counsel, who has appeared on behalf of the petitioner and Sri Ajay Kumar Sharma, learned AC to Principal Addl. Advocate General.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has prayed for directing the Respondents to consider his case for promotion from Rearer (Keetpalak) to the post of Overseer (Adhidarshak). Of course, the petitioner has claimed for consideration of his promotion, in the writ petition no specific statement has been made giving the name of any person, who has been given such promotion. Of course, a vague statement has been made that some juniors in chain have been promoted on the post of Overseer, but nothing details have been furnished.

In this case, counter affidavit and supplementary counter affidavit have been filed. In the counter affidavit, it has been indicated that the petitioner has already retired with effect from 31.12.2007. Learned State Counsel submits that while the petitioner was at the verge of retirement, he has filed the present writ petition only in the month of September, 2007. He further submits that there is no case that any discrimination has been done with the petitioner, however, it has been indicated that all benefits of ACP has been granted to the petitioner.

Keeping in view the fact that there is no specific pleading regarding discrimination, no relief can be granted to the petitioner. The writ petition stands dismissed.

(Rakesh Kumar, J)

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