

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9155 of 2016

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Neelam Kumari, wife of Sri Shailendra Kumar Verma, Resident of Mohalla-Colony More, Kankarbagh, Near Steel House, P.S.- Kankarbagh, District- Patna-20.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cabinet Secretariat Department, Government of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, Cabinet Secretariat Department, Government of Bihar, Main Secretariat, Patna.
3. The Director cum Additional Secretary, Directorate of Rajbhasa, Barrack No.19, Old Secretariat, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar
For the State :		Mr. Raj Ballabh Prasad Yadav, AAG-11
		Mr. Dinesh Maharaj, AC to A.A.G.-11
		Mr. Jitendra Kumar, AC to A.A.G.-11

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-08-2016

Heard learned counsel for the petitioner and counsel for the State.

Admitted position is that the petitioner was appointed as a Rajbhasa Assistant Grade-III only after a judicial intervention and direction, issued by the High Court in an earlier writ application, filed by the petitioner, a copy of which is Annexure-2 to the writ application.

As furtherance to the said decision and direction to appoint the petitioner, notification, contained in Annexure-3, dated 24.05.2010 came to be issued. Petitioner joined the post without any

kind of resistance / objection raised with regard to the said appointment.

After the joining of the petitioner a gradation-list has been prepared. The gradation-list indicates that the petitioner to be at the bottom of the list since she who joined on 24.05.2010. Rest of the persons had been appointed either on 15.03.2017 or on 26.06.2008. The writ application has now been filed, even though the petitioner has joined in the year 2010 that she should be shown over and above many others on the basis of the recommendation made in Annexure-1.

She is also looking for promotion to the post of Rajbhasa Assistant Grade-II.

Unfortunately, for the petitioner, such relief cannot be granted by this Court for one to many reasons. The recommendation, contained in Annexure-1, virtually, was of no avail to the petitioner. By virtue of the judicial order, contained in Annexure-2, the petitioner was given an opening. Annexure-2 does not indicate anywhere that the benefit of appointment is to be given to the petitioner from an earlier date relating back to the date of recommendation. The petitioner was lucky enough to get an opening by virtue of the judicial order and if Annexure-3 came to be issued in compliance of the said judicial order, the petitioner further cannot be now permitted to go behind either Annexure-2, the decision of the Learned Single Judge by reading something more into the relief so

granted or be permitted to challenge in any manner the decision of the respondents to appoint the petitioner only in the year 2010.

Since the petitioner even otherwise has been borne in the cadre and is the last to join the service, she cannot be placed over and above any of those persons, who have already been rendering service many years ahead of the present petitioner. She is the baby of the cadre and she will remain so on the basis of her date of joining and she cannot steal a march over others, who have already joined earlier and have been rendering service in the department.

Such expectation and demand is nothing but manifestation of an element of greed since the prayer of the petitioner is not based on any kind of legal right, emanating in the given facts and circumstances of the case.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	19.08.2016
Transmission Date	