

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7837 of 2013

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Hari Shankar Pd. Gupta S/o Late Pirthvi Chandra Sah, resident of village and Post Office- Bhatauna, Police Station- Karja, Block- Marwan, District- Muzaffarpur at present posted and working as Panchayat Secretary at Meenapur Block within the district of Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration (earlier known as Department of Personal and Administrative Reforms) Government of Bihar, Patna.
4. The Joint Director- cum- Joint Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
5. The Deputy Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
6. The District Magistrate, Muzaffarpur.
7. The District Panchayat Officer, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Jitendra Kr. Roy and Nikki Singh, Advs.
For the Respondent/s : Mr. Brajesh Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 03-08-2016

In the present application prayer has been made for considering the name of the petitioner for promotion on the post of Block Panchayat Supervisor, now the nomenclature has been changed as Block Panchayat Raj Officer under 25% of Graduate Panchayat Secretary quota in term of Rule-6 (2) of the Bihar Panchayat Service Rules, 2010 on account of the fact that 47 vacancies were available on 01.04.2010, which is apparently clear from letter issued vide Memo

No. 3212 dated 22.04.2010.

Instead of examining the case on merit, a counter affidavit has been filed on behalf of the Principal Secretary, Department of Panchayati Raj, Government of Bihar, affidavit has been sworn by the Joint Secretary, Department of Panchayati Raj, Government of Bihar that the matter is under active consideration at the Panchayati Raj Department. In such view of the matter, there is no need to deal with the matter on merit. Direction is given to the State to consider the case of the petitioner and arrive to a positive decision within a period of two months from the date of receipt/production of a copy of this order.

With the above observation/direction, this petition is disposed of.

If the order is passed against the petitioner, it goes without saying that he will be at liberty to challenge the same before the appropriate Authority/Forum.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	05.08.2016
Transmission Date	