

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15916 of 2011

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Mithlesh Kumar Singh son of Late Ram Dular Singh resident of Village & P.O. Phuhan, P.S. - Barahara, District - Bhojpur At Arrah, At Present Posted As Lower Division Clerk, Bihar Rajay Jal Parshad, West Boring Canal Road, Rajapur Pool, Patna - 1

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chairman - Cum - Principal Secretary, Public Health Engineering Department, Government Of Bihar, Patna
2. The Managing Director, Bihar Rajay Jal Parshad, West Boring Canal Road, Rajapur Pool, Patna - 1
3. The Secretary, Bihar Rajay Jal Parshad, West Boring Canal Road, Rajapur Pool, Patna - 1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra
For the Respondent/s : Mr. Ritesh Kumar SC 33
Indrajit Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 04-05-2016

Heard Sri Nityanand Mishra, learned counsel for the petitioner, Sri Ritesh Kumar , learned SC No. 33 as well as Sri Indrajit Singh, learned counsel who has appeared on behalf of the respondent no. 2 and 3.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution of India has mainly prayed for quashing of an order dated 20.8.2011 contained in memo no. 1471 (Annexure – 20 to the writ petition) whereby promotion granted to the petitioner from class IV to class III post which was passed some time



in the year 2005 was cancelled on the ground that while considering for grant of promotion earlier roster clearance was not obtained. However during the pendency of the present writ petition some subsequent development has taken place and thereafter Government has come out with a decision contained in memo no. 4800 dated 1.4.2016 (Annexure – 34 to the rejoinder filed by the petitioner on 18th April 2016) whereby now it has been decided that till further order while considering the case of promotion roster clearance would be not necessary.

Sri Indrajit Singh, learned counsel for the respondent no. 2 and 3 in view of Annexure – 34 to the rejoinder filed by the petitioner submits that in view of changed circumstances petitioner can be well advised to file a detailed representation before the Managing Director i.e. respondent no. 2 raising his grievance. Learned counsel for the petitioner accepts the submission of learned counsel for respondent no. 2 and 3 but he submits that while allowing the petitioner to file representation direction may be issued to respondent no. 2 to decide the matter within a specified time.

Accordingly in view of the facts and circumstances the court proposes to dispose of the present writ petition granting liberty to the petitioner to file a detailed representation. If such representation is filed within a period of eight weeks from today the

respondent no. 2 may examine the same and pass appropriate order in accordance with law. While examining the representation of the petitioner the respondent no. 2 may keep it in its mind the decision of the Government contained in Annexure – 34 to the writ petition i.e. Memo No. 4800, dated 1.4.2016 issued by the Addl. Secretary, General Administration Department . The respondent no. 2 is required to pass appropriate order in accordance with law within a period of three months from the date of filing of such representation.

The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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