

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1695 of 2016

In
Civil Writ Jurisdiction Case No.6867 of 2016

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1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
 3. The Engineer-in-Chief- Cum- Additional Secretary-cum- Special Secretary Road Construction Department, Govt. of Bihar, Patna.
 4. The Superintending Engineer, Road Construction Department, Mechanical Circle, Patna.

... .. Appellant/s

Versus

1. Pranav Kant Babban son of Late Nand Kishore Prasad, resident of Flat No. 402, A.R.N. Villa, Apartment, Mahatma Gandhi Nagar, Kanti Factory Road. Patna P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna, presently working as Accounts Clerk in the office of Superintending Engineer, Road Construction Department Mechanical Circle, Patna.
2. The Finance Secretary, Finance Department, Govt. of Bihar Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2017

Delay of 26 days in filing of this appeal is
condoned. I.A. No. 6925 of 2016 stands allowed and disposed
of.

Having heard learned counsel for the parties, we
find that the observations made by the learned Writ Court for
issuing a policy is only because of the reason that the



departmental authorities were not conducting the departmental examination for almost 8 years between 1996-2004 and thereby the employees were denied the benefit of getting promotion and the benefit of upgradation or Time Bound Promotion.

Taking note of the law laid down by the Bombay High Court and the Supreme Court in various cases, we see no reason to make any indulgence into the matter with regard to the direction issued by the learned Writ Court on account of the delay on the part of the State Government in holding departmental examinations, as was seen by the learned Writ Court for a period of more than 8 years.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.12.2017
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