

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4854 of 2011

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Arvind Prasad Sharma, son of Late Rameshwar Singh, resident of village-Kharasien, P.O. Shahar Telpa, P.S. Karpi, District- Arwal, at present residing at House No.A/92, P.C. Colony, Kankarbagh, Police Station-Kankarbagh, Town & District- Patna

.... Petitioner

Versus

1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. The Jharkhand State Electricity Board, through its Chairman, Engineers Building , H.E.C. Dhurwa, P.O. & P.S. Dhurwa, Ranchi
4. The Secretary, Jharkhand State Electricity Board, Engineers Building, H.E.C. Dhurwa, P.O. & P.S. Dhurwa, Ranchi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Respondent/s : Mr. Ranjit Sinha, Adv.

Mr. Satyabrata Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 03-03-2016 Sri Raja Ram Mishra, learned counsel for the petitioner, Sri Ranjit Sinha, learned counsel for the Respondent/Bihar State Electricity Board as well as Sri Satyabrata Verma, learned counsel for the Respondent nos. 3 and 4/Jharkhand State Electricity Board.

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 with all consequential and monetary benefits on the post of Electrical Superintending Engineer with effect from 11. 04.2002.



On perusal of the record, it is evident that the petitioner was earlier made accused in a vigilance case. However, while considering the promotion of other eligible persons, one post was kept reserved for the petitioner. In the meanwhile, the petitioner superannuated from the post of Electrical Executive Engineer with effect from 31.01.2003. Though the petitioner superannuated in the year 2003, the petitioner for the first time approached this Court by filing the present writ petition in the month of March, 2011. Before filing of the present writ petition itself after superannuation of the petitioner, the case for promotion of the petitioner was again considered and placed before the Departmental Promotion Committee and finally, in the year 2004 itself, the petitioner was granted notional promotion.

In this case, counter affidavit and supplementary counter affidavit have been filed and the reason for grant of notional promotion was assigned. It has been indicated that the petitioner was never earlier given post of Electrical Superintending Engineer, however he has already been granted notional promotion.

Keeping in view the fact that since earlier the petitioner was one of the accused in a vigilance case as well as the fact that though the petitioner was given notional promotion in the

year 2004 itself and the present writ petition was filed after lapse of several years, the Court considers that no positive order in favour of the petitioner is required to be passed.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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