

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16140 of 2015

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1. Binod Kumar Singh, S/o Late Ram Ugrah Singh Resident of Flat No.19, Vishal Apartment, Rampur Road, P.S.- Bahadurpur Thana, Patna. Presently posted as Assistant Commissioner of Commercial Taxes. Central Investigation Bureau, Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary of Commercial Taxes, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Cabinet Co-ordination, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr. Smt. Archana Sinha, AC to GP-31

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-01-2016

This writ application is disposed of with a direction upon the respondent State authorities to grant promotion to the petitioner in terms of the recommendation of the DPC.

The impediment which stood in the way of the petitioner due to pendency of a writ application, which led to issuance of a general order issued by the General Administration Department, will not come in the way of the claim of the petitioner in view of the decision rendered by a Division Bench as well as upholding the decision of the learned Single Judge.

Merely because the State wants to assail the said decision before the Hon`ble Apex Court after seeking opinion of the

Attorney General, that cannot come in the way of the petitioner's right for promotion.

It is, however, made clear that a rider may be added to the order of promotion that it will be subject to the outcome of the decision which may be rendered by the Hon`ble Supreme Court and that grant of promotion in this circumstance will not be treated as a substantive right as such.

Respondents are directed to take an early decision, preferably, within a period of three months from the date of production of a copy of this order.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J)

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