

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11296 of 2013

Indeshwari Prasad Yadav Son Of Late Bhujangi Prasad Yadav Resident Of Village-
Kolhaypat P.O. Raghunathpur, P.S.- Murliganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Public Health And Engineering Depart. Government of Bihar, Patna.
3. Engineer-In-Chief-Cum-Special Secretary, Public Health And Engineering Department, Patna.
4. Chief Engineer, Public Health Engineering, Bhagalpur Zone, Bhagalpur.
5. Superintending Engineer Public Health Engineering Circle, Saharsa
6. Executive Engineer, Public Health Division, Khagaria
7. Executive Engineer Public Health Division, Saharsa.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Respondent/s : Mr. Suryadeo Yadav, AAG-9

Mr. Dharmendra Kumar, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-09-2016

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is seeking relief of promotion on the post of Correspondence Clerk claiming that he had discharged the duty of the said post.

It appears that earlier the petitioner had moved before this Court for the same relief in CWJC No. 8543 of 2012 and the Court had directed to decide the representation of the petitioner within a period of three months.

Learned counsel for petitioner has submitted that the

representation was pending before the Lokayukt and that has been decided by the Lokayukt holding that there is disputed question of fact which cannot be looked into in this proceeding. Position is same in the present case, the same cannot be looked into by this Court.

Learned counsel for the State has placed reliance on the letter dated 31.7.2004 trying to point out that he has discharged the duty of Correspondence Clerk but the same has been disputed in paragraph no.7 of the counter affidavit wherein it has been specifically stated that the petitioner has not discharged the duty of Correspondence Clerk nor even promoted on the said post.

In that view of the matter, the disputed question cannot be looked into by this Court.

This application is, accordingly, dismissed.

However, the petitioner, if so advised, may file a representation before the Chief Engineer, Public Health Engineering Bhagalpur Zone, Bhagalpur who will dispose of the representation of the petitioner in accordance with law within a period of three months from the date of filing of the representation.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA