

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13355 of 2013

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Meera Kumari, Wife Of Sushil Kumar Resident Of Mohalla - Shivpuri, Ward No. 12, Saharsa, P.S. + District - Saharsa

.... Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary, Department Of General Administration, Government Of Bihar, Patna
3. The Principal Secretary, Department Of Finance, Government Of Bihar, Patna
4. The Divisional Commissioner, Koshi Division, Saharsa
5. The District Magistrate, Saharsa
6. The Deputy Collector, Land Reforms, Collectorate, Saharsa
7. The Deputy Collector, Land Revenue, Collectorate, Saharsa

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Respondent/s : Mr. Yogendra pd. Sinha, A.A.G.-7

Mr. Rakesh Ambastha, A.C. to A.A.G.-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-10-2016

Admittedly, the petitioner has been appointed class-IV post, but has been allowed to discharge the duties of clerk, which cannot be a ground to promote the petitioner to the post of clerk or equivalent post as the promotion is a substantive action, merely an employee is allowed to work in a higher grade by the competent authority cannot grant indefeasible right to such employee to claim for higher post.

In the counter affidavit, it has been stated that the case of the petitioner for promotion would be considered by the Committee constituted for the purposes of promotion.

Learned counsel for the petitioner submits that the petitioner is entitled for promotion as he possesses all requisite qualifications for promotion.

Let the Committee constituted by the District Magistrate, Saharsa consider the case of the petitioner and other similarly situated persons for promotion in accordance with law within a period of three months from the date of receipt / production of a copy of this order.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	27.10.2016
Transmission Date	