

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1840 of 2012

- =====
1. The State of Bihar.
 2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
 3. The Director of Industries, Government of Bihar, Patna.
 4. The Director, Upendra Maharathi Institute of Industrial Design, Department of Industries, Patna – 800013. Appellants.

Versus

Birendra Ram, Son of Late Ghamu Ram, Resident of Village/Mohalla Indrapuri,
Road No. 4, House No. 75, P.O. - Keshri Nagar, P.S. - Patliputra, District – Patna.
.... Respondent.

=====

Appearance :

For the Appellants : Mr. Braj Kishore Singh, AC to SC-5.

For the Respondent : Mr. Suraj Narayan Yadav, Adv.

Ms. Annu Shree, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 11-03-2016

Heard learned counsel for the appellants/State
and learned counsel for the writ petitioner/respondent and,
with their consent, this appeal has been heard for final disposal
at this stage itself.

This is an Intra-Court appeal filed by the State
against the judgment and order dated 04.04.2012 passed in

- 2 -



C.W.J.C. No.4646 of 2012, by which the learned Single Judge of this Court has disposed of the writ petition with a direction to the State to consider the case of the writ petitioner, who is the sole-contesting respondent, in accordance with the Division Bench judgment of this Court in the case of the **State of Bihar and others Vs. Ishwar Nath Jha** since reported in **2015 (3) PLJR 785**. That case was also an Intra-Court appeal by the State in relation to the same Upendra Maharathi Institute of Industrial Design (hereinafter in short the 'Institute'). There also the grievance of the employee of the Institute was that he has not been provided with any promotional avenue. State's plea was that he had been granted first and second assured career progression, which was held by this Court not to be promotion as his status does not change, which is an essential ingredient of promotion.

In the Division Bench judgment aforesaid, we have also noticed the constitutional obligation on the part of the State to provide for promotion. That being so, we see no reason for interference. The writ petitioner/ respondent being of the same Institute, the judgment rendered by the Division Bench earlier would equally apply. State is bound to provide promotional avenues. Merely because one is a case of

Laboratory Assistant and the other is a case of Designer makes little difference, so far as the law is concerned.

Therefore, we find no merit in this appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/AFR

U			
---	--	--	--