

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 1896 of 2012

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1. The State Of Bihar
 2. The Commissioner, Irrigation Department of Water Resources, Govt. Of Bihar, Patna
 3. The Chief Engineer Irrigation Department of Water Resources, Govt. Of Bihar, Dehri, Sasaram
 4. The Chief Engineer Planning and Monitoring, Water Resources Department, Bihar, Patna
 5. The Superintending Engineer Irrigation (Jalpath Anchal), Department of Water Resources, Bhabua, Kaimur

.... Appellant/s

Versus

Kameshwar Singh S/O Sri Chotan Singh R/O Village- Ram Nagar, P.O.- Akbarpur, P.S.-Karpi, District- Arwal

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Prabhakar Dwivedi, AC to SC 21

For the Respondent/s : Mr Kumar Dhirender Pratap Singh, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
&
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 14-03-2016

Heard learned counsel for the State and learned
counsel for the writ petitioner/respondent.

2 Appeal, for the sake of appeal by hyper-technicality,
is all we can say.

3 The petitioner/respondent, who was Correspondent
Clerk in the Government, was granted first time bound promotion on

31.12.1990 with effect from 04.08.1990. After 19 years, on or about 06.03.2009, the first time bound promotion granted is being cancelled on the ground that when the time bound promotion was granted 19 years back, he had not cleared the departmental examination. In the reply to the show cause notice, the writ petitioner/respondent brought to the notice of the authorities that he had in fact cleared the departmental examination soon after he was granted the first time bound promotion and more than 9 (nine) years back.

4 In our view, the authorities themselves having granted the time bound promotion, the writ petitioner/respondent had passed the departmental examination, though thereafter, at this distant time, upsetting the promotion, which was not granted because of any fraud or part of the writ petitioner/respondent or any misleading act done by him, we think rightly the learned Single Judge allowed the writ petition.

5 For the reasons aforesaid, we do not find any error in the judgment of the learned Single Judge which requires interference in appeal by this Court. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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