

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17686 of 2008

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Dund Bahadur Singh, son of Late Ramayan Sharan Singh, resident of
Mohalla-Tej Pratap Nagar, New Bye Pass Road, Anishabad, Patna-2, P.S
Anishabad, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Agriculture Director, Bihar, Patna
3. The Deputy Director Agriculture(Information), Bihar, Patna
4. The Accountant General, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. V.K.Singh
Mr. Pankaj Kr.Singh I

For the Respondent/s : Mr. AC to PAAG-II
Mr. Arun Kumar Arun

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 27-03-2017 Heard Sri Vijay Kumar Singh, learned counsel for

the petitioner, learned AC to the Principal Addl. Advocate General

no.2 as well as Sri Arun Kumar Arun, learned counsel for the

Respondent no.4/ Accountant General, Bihar, Patna.

The petitioner has approached this Court, invoking
its writ jurisdiction under Article-226 of the Constitution of India,
with a prayer to quash an order, contained in Memo No.6960
dated 16.08.2008 issued under the signature of the Director,
Agriculture, Bihar, Patna, whereby the representation filed by the
petitioner in compliance with the order dated 24.07.2008 passed in
C.W.J.C.No.7114 of 2008, was considered and dismissed. Earlier,
the petitioner had approached this Court by filing a writ petition



vide C.W.J.C.No.7114 of 2008. When the case was taken up, on the prayer made by learned counsel for the petitioner, the writ petition was disposed of vide its order dated 24.07.2008 with an observation to consider the representation of the petitioner. While disposing of the writ petition, this Court had made it clear that the Court had not gone into the merits of the case, which shall remain open in its entirety for consideration by Respondent no.2 on merits. Thereafter, the impugned order i.e. the order contained in Memo No.6960 dated 16.08.2008 (Annexure-6) was passed, which has been assailed by the petitioner in the present writ petition.

It is case of the petitioner that he was initially appointed in the year 1965 as Assistant Press Operator on temporary basis, which was regularized in the year 1968. The petitioner was subsequently promoted as Press Operator with effect from 30.08.1980 and he was also promoted as Head Press Operator with effect from 24.01.1985. The petitioner finally superannuated in the year 2001, while holding the post of Head Press Operator-cum- Mechanic. Much after his superannuation in the year 2008, the petitioner filed a writ petition, which was disposed of with observation to examine the representation. Thereafter, the case of the petitioner was considered and order was



passed vide Annexure-6 to the writ petition.

On going through the impugned order, it is evident that the petitioner was never given even additional charge of Press Superintendent either for officiating or for any other purpose. The petitioner superannuated as Head Press Reporter-cum- Mechanic in the year 2001. Of course, a plea was taken that the post of Press Superintendent was vacant since 1993, the petitioner being senior most Head Press Operator-cum- Mechanic was entitled for promotion to the said post with retrospective effect. It was claimed that in the year 1993 itself, one Sri Ram Awatar Prasad had superannuated as Press Superintendent and, as such, being senior most, the petitioner was entitled for giving the post of Superintendent. The order makes it clear that for granting promotion, many criteria were required to be examined. It is not in dispute that the petitioner was never given never given additional charge of Press Superintendent either for officiating or for any other purpose and he superannuated in the year 2001 itself.

Learned State Counsel by way of referring to the facts disclosed in the counter affidavit submits that the petitioner was initially appointed as Dark Room Assistant in the year 1965 and not as Assistant Press Operator, as claimed in the writ petition. The petitioner was subsequently re-appointed with effect from



05.12.1968 as Assisted Press Operator. Later on with effect from 01.04.1981 and 05.12.1993, the petitioner was given first and second time bound promotion respectively. Thereafter, he was promoted to the post of Head Press Operator-cum-Mechanic with effect from 14.01.1985 and he superannuated from the said post in the year 2001. According to learned counsel for the State since the petitioner was never given any additional charge of Press Superintendent nor he was ever asked to officiate the post of Press Superintendent., there was no reason to consider the case of the petitioner for grant of promotion after his representation, which was filed in the year 2008 for promotion with retrospective effect. The petitioner had already superannuated in the year 2001.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Fact remains that law is settled on the point that one may not claim promotion as a matter of right. It is also not claim of the petitioner that any one junior to him was granted promotion ignoring his case. The petitioner was never given additional charge of press Superintendent and he superannuated as Head Press Operator-cum- Mechanic long back in the year 2001. It is also evident that the petitioner in his service career was given regular promotion as well as two time bound promotions and, as such, in absence of



infringement of any right, there is no reason to entertain the present writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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