

IN THE HIGH COURT OF JUDICATURE AT PATNA**Civil Writ Jurisdiction Case No.3467 of 2012**

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1. Diwakar Prasad, Son Of Shri Dwarika Prasad, Resident of Suryodaya Dakhli Ghat Road, Mohalla - Khandak Par, P.O. & P.S. - Bihar Sharif, District - Nalanda
 2. Arun Kumar Singh, Son of Shri Chandradeo Singh, Resident Of Deepa Bhawan, Near Buddha Dental College, P.S.- Patrakar Nagar, District - Patna
 3. Dinesh Prasad Sinha, Son Of Late Ram Sharna Prasad Sinha, Resident of Tetariya, P.O. - Barai, P.S. - Islampur, District - Nalanda
 4. Mahesh Prasad, Son of Shri Bajo Prasad, Resident Of Village - Kakaila, P.O.- Mirchaiganj, P.S. and District - Nalanda
 5. Suresh Prasad, Son of Shri Narayan Prasad, Resident of Mohalla Manpur Surahi Tola, P.O. Buniyadganj, P.S. - Gaya Mufassil, District - Gaya.
 6. Rajendra Singh, Son of Late Sheo Govind Singh, Resident of Village - Chapra, P.O. Akorhi, P.S.- Akorhi Gola, District - Rohtas
 7. Bishnu Prasad Sah, Son Of Shri Maheshwar Prasad Sah, C/O C.M. Singh, Udanpuri Mohalla - Garh Par, P.O. & P.S. - Bihar Sharif, District - Nalanda
 8. Surendra Prasad, Son of Late Gurucharan Sao, Mohalla - Neemganj (Hajipur), P.O. & P.S. - Sohsarai, District - Nalanda
 9. Dinesh Chandra, Son of Late Kesho Sah, Resident of Mohalla - Ashanagar, P.O. + P.S. - Sohsarai, District - Nalanda
 10. Kamal Mohan Prasad, Son of Late Parmeshwar Prasad, Resident of Flat No. 407, Prince Apartment, Magistrate Colony, P.O. - Ashiana Nagar, P.S.- Rajiv Nagar, District - Patna
 11. Gopal Prasad Agrawal, Son of Late Ram Fahal Lal Agrawal, Resident of Mohalla - Kuraich (Mahabir Asthan), Sai Mandapam P.S. & District - Sasaram (Rohtas)
 12. Udai Kant Tiwari, Son of Late Basant Kumar Tiwari, Resident of Flat Not. - 103, Shiva Enclave, Ved Nagar, Rukunpura, Bailey Road, P.S. - Rukunpura, District - Patna

.... Petitioners

Versus

1. The Madhya Bihar Gramin Bank, through its Chairman, Meena Plaza, South of Museum, Patna
2. The Board Of Directors, through its Chairman, Madhya Bihar Gramin Bank, Patna
3. The Chairman, Madhya Bihar Gramin Bank, Patna
4. The General Manager, Madhya Bihar Gramin Bank, Patna

.... Respondents

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate.

For the Respondent/s : Mr. Suresh Prasad Singh No.1, Advocate.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**ORAL JUDGMENT****Date: 19-12-2017**

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

In this case, the petitioners are seeking the following reliefs:-

“(i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Madhya Bihar Gramin Bank with its Head Office situated at Patna (hereinafter referred to as “the Bank”) to take steps towards making necessary amendments in the dates of promotion granted to the petitioners from Officer Scale I to Officer Scale II as per the provisions contained under the Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules, 1988 (hereinafter referred to as “the 1988 Rules”) in terms of the orders passed by this Hon’ble Court in L.P.A. No.570/2009 and as such, grant promotion to the petitioners from Officer Scale-I to the Officer Scale-II in the services of the Bank with effect from 13.09.1999 applying the 1988 Rules;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities of the Bank to allow the petitioners to participate in the promotional exercise initiated by the Bank vide circular dated 29.12.2011 for promotion from Officer Scale II to Officer Scale III in the services of the Bank considering the petitioners to have been promoted in Officer Scale II with effect from 13.9.1999;

(iii) Issuance of a declaration holding that the petitioners are entitled for being granted promotion with effect from 13.9.1999 in terms of the provisions contained under the



1988 Rules and thus, the action on part of the Bank in granting promotion to the petitioners with effect from the current date is highly arbitrary, unreasonable and in blatant violation of Articles 14 of the Constitution of India.

(iv) Any other relief that the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

Both the parties have agreed that this case is entirely covered by the judgment dated 18.12.2014 passed in C.W.J.C. No.3804 of 2012, which has been affirmed by the Division Bench in L.P.A. No.91 of 2016.

In such view of the matter, the respondent authorities are directed to examine the case of the petitioners and if it is found that the case of the present petitioners is identical to the case of the petitioners of C.W.J.C. No.3804 of 2012, the same benefit as has been given to the petitioners of C.W.J.C. No.3804 of 2012 will also be extended to these petitioners.

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	21.12.2017
Transmission Date	N/A.

