

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20072 of 2010**

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Baleshwar Choudhary, son of Late Chhotu Choudhary, resident of village-Gonpura, P.S. Dhanarua, Distt. Patna, at present posted as Assistant Controller, Transmission Sub Division, Hajipur Dighi ( Mahua Road), District-Vaishali

.... .... Petitioner

Versus

1. The Bihar State Electricity Board through its Secretary, Bidhyut Bhawan, Bailey Road, Patna
2. The Chairman, Bihar State Electricity Board, Bidhyut Bhawan, Bailey Road, Patna
3. The General Manager- cum- Chief Engineer, Bihar State Electricity Board, Transmission Zone (II) 132/33 K.V. Grid S/S compound Bhikhanpura, P.O. Khabra, Muzaffarpur.
4. Superintending Engineer, Bihar State Electricity Board. Transmission Circle, Muzaffarpur
5. The Executive Engineer, Bihar State Electricity Board, Transmission Sub Division Hajipur, Dighi ( Mahua Road), Distt. Vaishali
6. The Assistant Engineer, Bihar State Electricity Board, Transmission Sub Division, Hajipur Dighi ( Mahua Road), Distt. Vaishali

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Nawal Kishore Prasad  
For the Respondent/s : Mr. Ajay Kumar Gautam

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

4      22-03-2017                      Heard Sri Nawal Kishore Prasad, learned counsel  
  
for the petitioner and Sri Ajay Kumar Gautam, learned counsel for  
  
the Respondents/Bihar State Electricity Board.

The petitioner has approached this Court, invoking  
  
its writ jurisdiction under Article-226 of the Constitution of India,  
  
with a prayer to direct the Respondents to grant promotion to him  
  
to the post of Controller. A claim has been made that he may be  
  
given promotion as Controller with effect from 19.05.1995.



In the present writ petition, it has also been stated that the petitioner had earlier filed a writ petition with a prayer to direct the respondents to consider his case for promotion as Assistant Controller. It has also been admitted that during pendency of the writ petition, the petitioner along with others was promoted as Assistant Controller and to this effect an order was issued in the year 2010. Meaning thereby that immediately after the order of promotion as Assistant Controller, the petitioner filed the present writ petition with a prayer to direct the Respondents to consider his case for promotion to the post of Controller.

In this case, a counter affidavit has been filed and in the counter affidavit, a specific stand has been taken that since the petitioner was promoted as Assistant Controller with effect from 13.08.2010, before completion of Kalawdhi, there is no question to consider his case for granting promotion to the post of Controller.

in view of facts and circumstances, particularly the fact that in the year 2010, the petitioner was promoted to the post of Assistant Controller, the Court is in agreement with the stand taken in the counter affidavit that before completion of Kalawdhi, there is no point to consider the case of the petitioner for granting promotion to the post of Controller.



The writ petition stands dismissed.

**(Rakesh Kumar, J)**

NKS/-

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