

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4000 of 2011

1. State of Bihar.
2. Director General of Police, Bihar, Patna.
3. Secretary, Home (Police) Department, Bihar, Patna.
4. Superintendent of Police (C), Crime Investigation Department, Bihar, Patna.
5. Director, Forensic Science Laboratory, Bihar, Patna.

... .. Petitioner/s

Versus

1. Ratan Kumar Thakur, father's name not known to the petitioner, Clerk, posted in the Forensic Science Laboratory, Bailey Road, P.S. Shastri Nagar, District-Patna.
2. Lokayukta, Bihar, Patna through its Secretary, Lokayukta, Circular Road, Patna.-1.

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Jitendra Kumar Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-09-2017

In view of the order passed on 03.07.2017, the matter has been placed before us due to pendency of LPA No.1987 of 2015 and LPA No.2143 of 2015. However, on going through the records of LPA No.1987 of 2015 and LPA No.2143 of 2015 it is seen that a Division Bench of this Court on 17.03.2017 has allowed the appeals, the orders passed in the writ petition and in the review application were quashed. CWJC No.4000 of 2011 was restored to its original file and this petition is directed to be listed before the appropriate Bench.



The learned Writ Court has directed for listing of the matter before us and we have taken up the issue in question.

This petition has been filed for quashing of the order dated 25.11.2005 passed by the Lokayukt recommending for granting certain promotion. The question is as to whether such a recommendation could be made under Section 12(3) of the Bihar Lokayukt Act. When the matter was taken up, none appears for the State Government-appellants and from the materials available on record, it is seen that the recommendation has been given effect to, promotions have been granted to the employees concerned and they are working on the post with effect from the original date of promotion, i.e. since 1993.

Taking note of all these factors, now we see no reason to make any indulgence into the matter. However, legal question with regard to exercise of the power by the Lokayukt in the matter of making recommendation under Section 12(3) of the Act is kept open to be considered in an appropriate case as and when required.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2017
Transmission Date	NA

