

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.893 of 2014
IN
Civil Writ Jurisdiction Case No. 7968 of 2013**

- =====
1. Uma Devi W/o Late Kameshwar Prasad Singh Resident of Village + P.O. Narauli, P.S. Mushahari, District Muzaffarpur.
 2. Md. Jan Murtaza Ansari S/o Late Md. Saeed Ansari Resident of Mohalla Maharaji Pokhar, Purab Ghat, P.O. Ramna, P.S. Town, District Muzaffarpur.
 3. Dinesh Chandra Trivedi S/o Late Nagendra Prasad Trivedi Resident of Quarter No. T/53B, Railway Station, Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar through the Agriculture Production Commissioner-cum-Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Additional Secretary, Department of Agriculture, Government of Bihar, Patna.
4. The Joint Secretary, Department of Agriculture, Government of Bihar, Patna.
5. The Under Secretary, Department of Agriculture, Government of Bihar, Patna.
6. The Deputy Director Agriculture (Extension), Department of Agriculture, Government of Bihar, Patna.
7. The Director Agriculture, Department of Agriculture, Government of Bihar, Patna
8. The Joint Director, Agriculture (Plant Protection), Department of Agriculture, Mithapur Agriculture Farm, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Gyan Shankar, AC to GP-2

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 11-05-2017**



Seeking exception to an order dated 21.4.2014 passed by the learned Writ Court in C.W.J.C. No.7968 of 2013, this appeal has been filed under Clause 10 of the Letters Patent by the appellant Uma Devi, wife of the original petitioner No.1 Shri Kameshwar Prasad.

Originally, Shri Kameshwar Prasad along with the two other appellants filed a writ petition seeking their promotion. However, even before filing of the petition all the three petitioners had attained the age of superannuation on 3.1.2004, 31.7.2007 and 31.8.2008 and it was only after a long period of time that in the year 2013 the writ petition was filed.

The learned Writ Court after examining various aspects of the matter, including the case on merit, based on the counter affidavit filed refused to interfere into the matter. It was found by the learned Writ Court that the issue of promotion was considered right till 17.4.2003 and till that point of time the name of the petitioners did not figure within the zone of consideration as per the seniority list and that being so, claiming parity with persons who were promoted up to 17.4.2003, the claim of the petitioner cannot be entertained. After analyzing various aspects of the matter, the learned Writ Court dismissed the writ petition finding that after their retirement on superannuation no direction for promotion can be



granted.

We have considered the reasons as indicated by the learned Writ Court in the detailed order passed and in doing so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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