

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2313 of 2015

In
Civil Writ Jurisdiction Case No.4029 of 2010

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Ajay Kumar Das S/o Late Mahadeo Lal Das Resident of C/o Late Ram Lakhan Srivastava, Mohalla - Machhli Gali, New Jakkanpur, P.S. Jakkanpur, District - Patna, Substantially Senior Computer Programmar and presently officiating as Public Relation Officer, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Veer Chand Patel Path, Patna - 1.

... .. Appellant

Versus

1. The State of Bihar.
2. The Secretary Food and Consumer Protection Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Veer Chand Patel Path, Patna - 1.
4. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, Patna.

... .. Respondents

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Appearance :

For the Appellant :	Mr. Bishnu Kant Dubey, Advocate
For the Respondent State:	Mr. Harish Kumar, GP-8
For the BSFC :	Mr. Anjani Kumar, Senior Advocate
	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 20-09-2017 Heard counsel for the parties.

There cannot be any order or direction for grant of promotion on an ex-cadre post in any manner without a right or rule in place and at the mere desire of the appellant.

Even otherwise because of the insistence of the appellant during the course of argument that he has a right, the respondent Corporation has placed the appellant in his correct post and position now for which a Notification bearing No. 9702 dated



18.09.2017 has been issued.

Article 14 and 16 of the Constitution of India cannot be invoked to either create or for continuity of an illegality. If there has been aberrations in the past, they are required to be rectified and no illegality should be ordered to be committed by a mandamus to bring conformity with the aberration.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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