

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2123 of 2015
IN
Civil Writ Jurisdiction Case No. 13041 of 2008**

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Dinesh Prasad, S/o Late Ambika Prasad, resident of Mohalla - Khandakpar, P.S. - Biharsharif, District - Nalanda.

.... Petitioner - Appellant

Versus

1. The State of Bihar through the Chief Secretary to the Govt. of Bihar, Patna.
2. The Principal Secretary, Shram Sansadhan Department, Govt. of Bihar, Patna.
3. The Bihar Public Service Commission through its Chairman, Jawahar Lal Nehru Marg, Patna.

.... Respondents / Respondents.

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Appearance:

For the Appellant/s : Mr. Mukesh Kumar Jha, Advocate.
For the Respondent/s : Mr. P.K. Verma, AAG 3 and
Mr. Suman Kumar Jha, AC to AAG 3.

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

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-09-2017

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

The learned Single Judge has committed no error in dismissing the Writ Application, the ground thereof provided by him reads as under:-

“On perusal of Annexure – “6” it is evident that in sum and substance he has pleaded that one Sri Kumod Nandan Shrivastava, was illegally granted promotion to the post of Deputy Director with effect from 6.4.1994 whereas, in his service record *censure* was already recorded. The representation of the petitioner was thoroughly considered and by the impugned order i.e. Annexure - “7” his representation was rejected primarily on the ground that it was difficult to cancel the promotion of Sri Shrivastava. It has categorically been indicated that in the seniority list Sri Shrivastava was at



serial no. 16 whereas, the petitioner was at serial no. 17. It is further evident that on the roster point four posts were available and as per roster clearance those posts were filled up. Since the petitioner was at serial no. 17 and no post for general category was available, his case was not considered and accordingly, the representation of the petitioner was rejected. Of-course in the representation main thrust of the petitioner was that one Sri Kumod Nandan Shrivastva was illegally granted promotion, however, the said Sri Shrivastva has not been impleaded as party in the present writ petition. Moreover, the reasons assigned in the impugned order categorically deals with the grievances which were raised by the petitioner in its representation i.e. Annexure – “6” to the writ petition.”

The reasons provided by the learned Single Judge noted above are valid.

No interference is warranted with the impugned order.
Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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