

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.140 of 2017
IN
Civil Writ Jurisdiction Case No. 3647 of 2011**

- =====
1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
 2. The Principal Secretary, Department of Industry, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
 3. The Director, Handloom and Silk Department of Industry, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
 4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
 5. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
 6. The Law Secretary, Government of Bihar, Patna.

.... Appellant/s

Versus

Rajendra Prasad, Son of late Etawaru Ram, Resident of Manpur Muffasil More, P.O. Buniyadganj, P.S. Muffasil, District Gaya, Presently Posted as Technical Supervisor, Hastkargha Sudrirkhikaran Yojna, District Industry Centre, Aurangabad, District - Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Subash Singh, AC to AAG-7
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-08-2017

Re.: Interlocutory Application No.491 of 2017

The delay of 302 days in filing of this Appeal is condoned.

Interlocutory Application stands allowed and disposed of.

Re.: Letters Patent Appeal No.140 of 2017

An order of promotion granted to the respondent-employee in the year 1997 was withdrawn after a period of more than 12 without notice to him, without hearing him and without following



the principles of natural justice. Taking note of the aforesaid, the learned Writ Court has interfered into the matter and quashed the order of cancellation of promotion, which was granted after due concurrence and opinion of the Director of the Department and approval of the Finance Department. Finding the action to be taken without following due process of law behind the back of the respondent-employee, the learned Writ Court has interfered into the matter. In doing so, in our considered view, the learned Writ Court has not committed any error warranting reconsideration. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2017
Transmission Date	

