

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1308 of 2015

IN

Civil Writ Jurisdiction Case No. 2525 of 2015

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1. Ram Pravesh Singh S/o Late Siya Sharan Singh Resident of 72, Chaparasi Quarter, R-Block, Patna, P.S. Sachivalay, District Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Housing Department, Vishweshwaraia Bhawan, Patna.
2. The Engineer in Chief Building Construction Department, Patna.
3. The Chief Engineer (Design) Building Construction Department, Patna.
4. The Superintending Engineer Advance Planning Circle Building Construction Department, Patna.
5. The Executive Engineer Advance Planning Division-2 Building Construction Department, Patna.
6. Satydeo Prasad Singh (Treasure) Officer of the Executive Engineer Advance Planning Division-2, Building Construction Department, Patna.
7. Jagnarain Choudhary (Corresponding Clerk) Office of the Executive Engineer Advance Planning Division-1 Building Construction Department, Patna.
8. Awdhesh Prasad S/o Rameshwar Prasad Resident of Anisabad Dhirachak Bangali Tola, P.S. Gardanibagh, District Patna.
9. Yogendra Prasad Sharma (Corresponding Clerk) Office of the Superintending Engineer Advance Planning Circle-2, Building Construction Department, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Prasad, Advocate

For the Respondent/s : Mr. Arvind Kumar No. 2- SC17

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-08-2017

Seeking exception to an order dated 21.4.2015 passed in C.W.J.C. No.2525 of 2015 by the learned Writ Court, this appeal has been preferred under Clause 10 of the Letters Patent.

The learned Writ Court has held that right to promotion or consideration for promotion is based on the provisions of the



statutory rule and it was found that the cases of the petitioners are required to be considered as they are the employees who are due for consideration for promotion to the next higher post and finding that the petitioners have worked for a long period of time and are at the verge of retirement, the direction was issued was that the claim of the petitioners should be considered along with other eligible persons and a decision taken and in view of the order passed by the respondents, Annexure A dated 29.5.2015, no further indulgence is now called for after such direction.

In case the petitioner feels that the consideration has not been made properly and the grievance still subsists after order were passed on 29.5.2015, liberty shall be available to the appellant to challenge the same in accordance with law.

With the aforesaid, finding no indulgence to be made in the matter, this appeal is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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