

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13146 of 2008

=====

Jai Karan Prasad, son of late Ram Nandan Ram, Resident of Mohalla Off Polo Road, P.O.-G.P.O., P.S. Gardanibag, District Patna, presently posted as Machine Man, Helper, in the office of Deputy Agriculture Director, Irrigation, Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Agriculture, Bihar, Patna.
3. The Deputy Director, Agriculture, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. V.K.Singh, Adv.

For the Respondent/s : Mr. Anil Kr. Verma, AC to AAG-9

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-11-2017

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

In this case, the petitioner has made a prayer for giving direction to the respondents for promotion from the post of Machine Man Helper to the post of Assistant Press Operator claiming that he has been working since long and vide letter dated 20.12.2001, the petitioner was assigned duty to discharge work of Assistant Press Operator which he has carried out successfully for last eighteen years but, he has not been promoted/appointed on substantive basis to the aforesaid post and has claimed that the post of Machine Man Helper is a Class-IV post whereas Assistant Press Operator is a Class-III post and there is a provision for promotion from Class-III to Class-IV post.



Learned counsel for the State has filed a counter affidavit wherein the State has not denied the fact that the petitioner was not assigned the job of Assistant Press Operator but, it has been said that the Assistant Press Operator does not fall in the ladder of promotion from Machine Man Helper, 25% of the post of Assistant Press Operator has been reserved for the in-house appointment. It has further been said that the Department use to conduct an examination of the persons, whoever selected are appointed/promoted to the post of Assistant Press Operator and it has been stated that the case will be considered as and when the petitioner will clear the departmental examination.

In reply, it has been submitted that for long eighteen to twenty years, no departmental examination has been conducted so, there is a little chance that the Department will conduct any examination and he will have a chance of being promoted/appointed to the post of Assistant Press Helper.

The supplementary counter affidavit has been filed by the State wherein it has been brought to the notice of this Court that the machines have got junked, have been sold out by the Department, as on today, no press machine is lying with the Department and no work is going on. In such a situation, the prayer of the petitioner, as has been made in the writ application, cannot be entertained in view of the



fact that when the work itself has vanished, the question of his appointment/promotion does not arise.

In that view of the matter, this Court does not find any merit in the present writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.11.2017
Transmission Date	NA

