

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17862 of 2008

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SHIOPUJAN BAITHA SON OF LATE MORHA BAITHA, RESIDENT OF MOHALLA
ADARSH COLONY, WEST PASTEL NAGAR POST OFFICE SHASTRI NAGAR POLICE
STATION SHASTRI NAGAR DISTRICT PATNA Petitioner

Versus

1. THE STATE OF BIHAR
2. THE CHIEF SECRETARY, GOVERNMENT OF BIHAR, PATNA
3. THE AGRICULTURE PRODUCTION COMMISSIONER, BIHAR, PATNA
4. THE FINANCE COMMISSIONER, BIHAR, PATNA
5. THE ACCOUNTANT GENERAL, BIHAR, PATNA
6. THE JOINT SECRETARY, DEPARTMENT OF AGRICULTURE, BIHAR, PATNA
7. THE DEPUTY SECY, DEPARTMENT OF AGRICULTURE, BIHAR, PATNA AND
8. SH. G.P.SINGH, PUBLIC INFORMATION OFFICER, DEPARTMENT OF
AGRICULTURE, BIHAR, PATNA

.... .. Respondents

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Appearance :

For the Petitioner	: Mr. Avinash Kumar, Advocate
For the Respondents	: Mr. PK Verma, AC to SC 7
For the Commission	: Mr. Sanjay Pandey, Advocate
For the AG, Bihar	: Mr. Raghwanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-12-2017

The writ petition had initially been filed challenging the pay scale granted to the petitioner pursuant to the Fitment Committee recommendations. Subsequently, IA No.6034 of 2015 has been filed substantially making out a case for consideration and grant of promotion to the higher posts above the post of the Joint Director to the petitioner. In the said IA, the petitioner's counsel has pointed out that vide notification dated 7.6.2013 (Annexure 28) he has already been granted parity with one Madan Bihari Saran in compliance of the earlier order dated 27.2.2013, passed by this Court in C.W.J.C.No. 5881 of 1997 as well as MJC No.1346 of 2012.

Today, supplementary affidavit has been filed after service of its copy on the counsel for the State. The petitioner asserts that he has made a claim for certain promotion on the higher post above the



post of the Joint Director and the State is obliged to maintain the parity in case of petitioner's case with said Madan Bihari Saran in the background of the earlier orders, passed by this Court in C.W.J.C.No. 5881 of 1997 as well as MJC No.1346 of 2012 arising out of the said case.

In the supplementary affidavit, the petitioner has annexed one representation with respect to his aforesaid claim, which is pending before the respondents since September 2013, for grant of promotion to the higher posts, which he has mentioned in the said representation. He seeks liberty to file comprehensive representation before the authorities so that all his claims can be considered together.

The petitioner, if so desires, may submit a comprehensive representation or a supplement to the earlier representation with claim of promotion on the higher post claiming parity under the aforesaid orders of this Court in the earlier proceedings, within a period of four weeks from today. If such representation is filed, respondents shall be obliged to consider the same by a reasoned and speaking order in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

NAFR	
CAV DATE	NA
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