

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14886 of 2007

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Jai Prakash Narayan, Son of late Kameshwar Singh, Resident of Village Bhanpur,
P.S. Dinara, Dist. Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
3. The Commissioner-cum-Secretary, Water Resources Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Irrigation Research and Training Institute, Khagaul, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak

For the Respondent/s : Mr. Ajay Kr. Rastogi, AAG-10
Mr. Parijat Saurav, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-11-2017

After some arguments, learned counsel for the petitioner seeks permission to withdraw this application with a liberty that he will challenge the Research Cadre Rules, 2013 which deals with the promotion of the employees. The entry in the cadre is the post of Research Assistant, the cadre does not include the post of Field Assistant in the cadre.

As the Rule does not include the Field Assistant, he cannot be given promotion on the next level as there is no post in the next level to the post of Field Assistant.

Learned counsel for the petitioner has placed reliance on the notification no. 1880 dated 27.6.1980, on that basis, he has



claimed that 66 ²/₃% of the post of Junior Research Assistant would be filled up by promotion and 33 ¹/₃% will be filled up by direct recruitment but, in the upper part, it has been mentioned that it will be applicable to Laboratory Assistant, Field Assistant and Senior Supervisor having been appointed before 1972. So, this notification does not apply to the petitioner, admittedly he has been appointed later.

Learned counsel for the State has submitted to mitigate the hardship, the petitioner has been given the 1st and 2nd A.C.P. looking to the fact that there is no post available for promotion.

With the aforementioned observation, this writ application is permitted to be withdrawn.

(Shivaji Pandey, J)

Rishi/-

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

