

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11877 of 2015

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Badrinath Prasad Son of late Chandeshwar Ram R/o Village Bishunpur
pakari P.o. Anishabad, P.s Beur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Agriculture Department, New Secretariat, Patna.
2. The Commissioner, Agriculture Production , Agriculture Department , New Secretariat Patna.
3. The Director, Agriculture Department, New Secretariat, Patna.
4. The Director(Administration) cum Additional Secretary, New Secretariat , Patna. null null
5. The Joint Secretary(Administration)Agriculture Directorate, Agriculture Department New Secretariat, Patna.
6. The Deputy Director(Administration Agriculture Department, New Secretariat Patna.
7. The Joint Secretary, (Plant Conservation) New secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the State : Mr. Raj Kishore Roy GP-18
For the Respondent/s : Mr. Binod Ji Verma- Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 04-10-2017 Heard learned counsel for the petitioner and the State.

Counsel for the petitioner submits that juniors to the petitioner have been granted benefit of higher scale and higher grade whereas petitioner was discriminated in the matter of grant of promotion as Field Operator.

Counsel for the State submits that earlier the petitioner has filed writ application and he has prayed for a direction for grant of promotion and he has already been granted



promotion to the post of District Mistry Grade-III and now he has raised grievance that he has not been granted promotion to the post of Field Operator. The order of the writ court has attained finality. Earlier the court directed for consideration of the case of the petitioner for grant of promotion to the post of District Mistry Grade-III.

If the juniors to the petitioner have been granted the benefit of higher pay-scale and higher grade, the decision of the writ court in the earlier round of litigation will not come in the way of consideration of the case of the petitioner if petitioner is otherwise found eligible for grant of higher pay-scale and grade particularly in view of the fact that juniors to the petitioner have been granted such benefit, provided others have been granted lawfully such benefit of promotion to the post of Field Operator and granted the benefit of pay-scale of Field Operator or Kamgar,

Accordingly, the writ application is disposed of with liberty to the petitioner to file exhaustive representation before the authority concerned indicating therein the case of the juniors who have been granted such benefit, the respondents on receipt of such representation is required to pass a reasoned order within a period of two months from the date of filing of such representation. It goes without saying that if the petitioner is found entitled to such



benefit the consequential benefit should reach the petitioner within a further period of two months from the date of passing of the order, with the aforesaid observation the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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