

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 781 of 2015

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1. Brij Bihari Prasad "Anand" Son of Late Deo Narayan Prasad Resident of Pustakalay Lane, East Lohanipur , P.S.- Kadamkuan , District- Patna.
2. Hari Nandan Pandey Son of Late Kedar Nath Pandey Resident of Mohalla- Mahesh Nagar, Post: Keshari Nagar, District Patna.

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioners : Mr. Ram Kishore Singh, Adv.
Mr. Rajnish Kumar Choubey, Adv.
For the Respondent/s : Mr. Birju Prasad, G.P.-13
Mr. Ravi Kumar, AC to GP – 13
Mr. Amresh, AC to GP - 13

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 30-01-2017 Heard Sri Rajnish Kumar Choubey, learned counsel for petitioners and learned A.C. to Govt. Pleader – 13.

2. Two petitioners have approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondents to consider the petitioners' case for grant of consequential benefit from the date they have been granted promotion in Junior Selection Grade, Senior Selection Grade as well as Section Officer.

3. The petitioners have also prayed for quashing of part of order contained in Memo No. 1015 dated 15-04-2006



(**Annexure – 1** to the writ petition), by which, though petitioners were granted such promotion, but no arrear was directed to be paid.

4. On going through the pleading, it is evident that petitioner no. 1 (Brij Bihari Prasad “Anand”) superannuated as Section Officer from the Co-operative Department, Govt. of Bihar w.e.f. 31-07-2002 and petitioner no. 2 (Hari Nandan Pandey) retired from the post of Section Officer w.e.f. 30-06-2003 from Education Department, Govt. of Bihar.

5. It is evident that after superannuation, the petitioners approached this Court by filing a writ petition, vide C.W.J.C. No. 5941 of 2004, with a prayer to direct the respondents to consider their case for grant of Junior Selection Grade Scale, Senior Selection Grade Scale and further for shifting back their promotion in the rank of Section Officer with effect from the date their juniors were granted the said benefit. The said writ petition was disposed of on 28-10-2005, with a direction to respondents to consider the case of petitioners for grant of consequential promotional benefit in Junior Selection Grade, Senior Selection Grade as well as Section Officer from the date when their juniors were granted the said promotion.

6. In compliance with the order of the writ court,



Annexure – 1 was issued and accordingly, the date of promotion, as claimed, was shifted back. The said order was issued long back, vide memo no. 1015 dated 15th April, 2006. Even though, the petitioners were granted promotion with retrospective effect, vide order contained in Annexure – 1 dated 15-04-2006, both the petitioners have approached this Court in the year 2015 with a prayer to modify the order dated 15th April, 2006.

7. The Court is of the opinion that after such a long time, the matter may not be allowed to reopen. I do not find any ground to pass any favourable order.

8. The writ petition stands dismissed.

(Rakesh Kumar, J.)

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