

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15526 of 2010

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Ashok Kumar Dutta S/O Late Syama Nand Lal Dutta R/O Vill.- Pratappur,
P.S.- Kalyanpur, P.O.- Muktapur, Distt.- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Agriculture Government Of Bihar, Patna
3. The Director, Agriculture, Government Of Bihar, Patna
4. The Collector, Samastipur
5. The Block Development Officer, Dalsingsarai, Distt.- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Prasad, Adv.
Mrs. Veena Kumari Jaiswal, Adv.

For the Respondent/s : Mr. SC 15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-06-2018

The petitioner by way of the present writ petition has prayed for issuance of a direction to the respondents to promote the petitioner on the post of Block Agriculture Officer or on equivalent post.

The learned counsel for the petitioner submits that though several junior persons to the petitioner have been promoted, but still the petitioner has been left out, hence discrimination has been meted out to the petitioner herein.

The respondents in their counter affidavit, in paragraph-14, have stated that it is within their discretion to promote the suitable candidates and the petitioner cannot by way of right claim for promotion. It is further submitted that the



petitioner was appointed on compassionate ground.

Having regard to the facts and circumstances of the case, I find that the appointment on compassionate ground cannot be a bar for promotion. True it is that nobody can claim promotion by way of right, but an incumbent has a right to be considered for promotion. In such view of the matter, the writ petition is disposed of with a direction to the respondent no.3 to consider the claim of the petitioner for grant of promotion on the post of Agriculture Officer or on equivalent post and pass a reasoned and speaking order within a period of six weeks from today. In order to facilitate quick disposal of the case of the petitioner by the respondent no.3, the petitioner is directed to file an appropriate representation with regard to his claim for promotion within a period of three weeks from today before the respondent no.3.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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