

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14251 of 2007

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Louisa Pyari Tigga @ L.P.Tigga W/o John B Bara resident of Mohit Tower B-12
Mohit arayan Singh path, Punai Chak P.S. Shastri Nagar Dist. Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary of Department of Industries Govt. of Bihar, Patna.
2. Bihar Industrial Credit and Investment Corporation Patna through the Managing Director Bihar Industrial Credit and Investment Corporation Bihar Patna.
3. Managing Director Bihar Industrial Credit and Investment Corporation Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.M.JOSEPH, Advocate
Mr. Hemant Kumar, Advocate

For the State : Mr. Amaresh Kumar Sinha, Ac to GA 1
Mr. Shiv Kumar, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 22-03-2018

Heard counsel for the petitioner and the respondent State.

2. The petitioner who was then serving as Personal Assistant in the respondent Corporation claims to have been recommended for promotion to the post of Assistant Secretary in the proceedings of meeting of Second Level Committee constituted by the Bureau of Public Enterprises/ Department of Industries, Government of Bihar. The said minute of the meeting is dated 11.08.1989.

3. Writ petition has been filed in the year 2007 claiming promotion on the basis of minutes of the said meeting dated 11.08.1989.

4. Counter affidavit has been filed both on behalf of the



State as well as on behalf of the respondent Corporation. The stand taken by the respondent Corporation is that the said minutes of the meeting are subject to approval of the Board or the State Government but neither the State Government nor the Board has approved the same.

5. Reliance has been placed on a decision of the Department of Industry under the Government of Bihar dated 25.07.1998 whereby all the Managing Directors of the Corporations under the control of Industry Department have been directed not to make any appointments or grant any promotion in the Corporations keeping in view the financial crunch and the loss being incurred by the various Corporations. The said decision is Annexure A to the counter affidavit filed on behalf of the respondent no. 1.

6. The said decision has never been challenged by the petitioner nor is it the case of the petitioner that ignoring her claim others have been granted any promotion in spite of the said decision of the Department dated 25.07.1998. The claim of the petitioner therefore, appears to be unsustainable. Other ground taken in the counter affidavit filed by the respondent Corporation is that the petitioner did not possess the requisite qualifications for being promoted as an officer in the respondent Corporation. The petitioner has placed on record certificates showing that she is intermediate pass.



Whether intermediate pass is the qualification for being promoted as an officer in the Corporation has not been asserted by the petitioner.

7. In view of the departmental decision as noticed above and the belated claims of the petitioner, this Court finds no merit in the claims raised by the petitioner.

8. The writ petition is therefore dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.03.2018
Transmission Date	

