

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18647 of 2008

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Jainath Prasad Yadav, son of Sri Ram Deo Rai, resident of village- Roop Chapra, P.S.- Sahebganj, District- Muzaffarpur, presently posted as live Stock Assistant, Madhyan Pashu Vikash Pariyojana (Kshetriya Astar), Dalsingsarai, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Animal Husbandry Department, Government of Bihar, Patna.
3. The Regional Director, Animal Husbandry Department, Darbhanga Range, Muzaffarpur.
4. The Deputy Director (Headquarter), Animal Husbandry Department, Samastipur.
5. The Assistant Director, Madhyan Pashu Vikash Pariyojana, Kshetriya Astar, Dalsingsarai, District- Samastipur.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. S.B.K.Mangalam, Advocate

For the Respondent/s : Mr. Prabhat Kumar, A.C. to G.A.XI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-03-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, complaint has been made by the petitioner that he was deprived the promotion to the next higher grade i.e. Live Stock Supervisor on the ground that he does not possess the training certificate.



3. The State has made a specific statement that as per the instruction from the respondents the training certificate of the petitioner is available in the service book, but during the relevant time while his case along with others was being considered for promotion was not available in the record.

4. In view of the statement made by the State, this Court had directed that as on the date the training certificate was available on record it was desirable for the State to consider the case of the petitioner for promotion to the next higher grade i.e. Live Stock Supervisor as having been granted to the juniors but he has wrongly been deprived of.

5. In pursuance thereof, the State has come forward with an affidavit, wherein it has been mentioned that the petitioner has been granted the benefit of promotion to the post of Live Stock Supervisor from the date of the notification.

6. Now, limited issue has been raised by the petitioner that the benefit should be granted from the date the persons junior to him have been granted the benefit of promotion to the post of Live Stock Supervisor, but the entire record does not reflect the name of the persons who are just below him having been granted the promotion to the post of Live Stock Supervisor and the State has



also not provided any information in this regard for consideration of this Court.

7. It is a matter of 2008. It is not desirable to keep the mater pending before this Court. In such view of the matter, this Court directs the petitioner to file a detailed representation along with a copy of this order, giving details of the fact as to who below him have been granted the benefit of Live Stock Supervisor. If such a representation is filed, the respondent authority will examine and verify the same from the record and if it is found that certain persons having been granted the benefit of promotion to the post of Live Stock Supervisor earlier, it goes without saying the petitioner will also be entitled to the said post from that date along with 50% difference of salary for the said period.

8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
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