

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1170 of 2003

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SHYAM KUMAR SHRIVASTAVA, SON OF LATE DOMAN LAL SHRIVASTAVA,
RESIDENT OF WARD NO. 4, NEW TOLA SHARSA POLICE STATION AND DISTRICT
SAHARSA

.... Petitioner

Versus

1. THE STATE OF BIHAR
 2. SECRETARY, REVENUE AND LAND REFORMS, BIHAR, PATNA
 3. DIRECTOR, REVENUE AND LAND REFORMS, BIHAR, PATNA
 4. SURVEY SETTLEMENT OFFICER, BIHAR, PUNAICHAK Respondents
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Appearance :

For the Petitioner : Mr. ANIL KUMAR MUKUND, Advocate
Mr. Purnenduy Keshav, Advocate

For the Respondent : Mr. Randhir Kuamr, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date: 06-02-2018

Heard counsel for the petitioner and the State.

2. The brief facts giving rise to the writ petition is that the petitioner was directed to officiate as Head clerk cum Accountant in the year 1996 under order dated 10.6.1996 (Annexure 6) issued by the Settlement officer, Patna upon vacation of the post by the earlier incumbent. Since the final decision for petitioner's appointment on the said officiating post was pending, he approached this Court by filing C.W.J.C.No. 8615 of 2002 which was disposed of on 12.8.2002 with direction to petitioner to file a representation before the respondents for financial benefits of the said post from the date of his officiating on the said post by virtue of Annexure 6, if any, as the petitioner had been superannuated till then. Annexure 1 which is dated 13.11.2002 is the order of the Commissioner cum Secretary cum Commissioner, Land Reforms, Bihar disposing of the petitioner's claim. In the said order



respondents have decided that since the petitioner was made to officiate by the order of Settlement officer who was not competent for giving such direction in view of the earlier decision of the Department dated 11.7.1984 which has been referred to in the said order, he could not claim the benefits of the said post. Annexure 7 dated 16.6.2002 is the office order issued by the Settlement officer, Patna, wherein he has rejected the petitioner’s claim on the ground that the Director, Land Records and Measurement, Bihar, Patna is the competent authority for granting promotion to the petitioner on the post of Head clerk.

3. In paragraph 13 of the counter affidavit filed by the State, it is stated that the petitioner has already been granted junior and senior selection grade promotion to the post of Head clerk as per rules and regulations.

4. It appears that the grievance of the petitioner has already been redressed and there is no re-joinder on the record also to contest or deny the assertion made in the counter affidavit filed in the year 2012.

5. In that view of the matter, the writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

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CAV DATE	NA
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