

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16744 of 2011

PRIYA RANJANA PANJIYAR GUPTA W/O LATE NAGESHWAR PRASAD GUPTA R/O VILLAGE- PANAPUR,POLICE STATION- HAJIPUR, DISTRICT- VAISHALI, AT PRESENT POSTED AS DISTRICT PLANNING OFFICER, SHEIKHPURA, AT COLLECTORATE OFFICE, SHEIKHPURA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY GOVT OF BIHAR, PATNA
2. THE PRINCIPAL SECRETARY PLANNING AND DEVELOPMENT DEPARTMENT, GOVT OF BIHAR, PATNA
3. THE JOINT DIRECTOR, PLANNING AND DEVELOPMENT DEPARTMENT, GOVT OF BIHAR, PATNA
4. THE SECRETARY, PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT, GOVT OF BIHAR, PATNA
5. THE SECRETARY, FINANCE DEPARTMENT, GOVT OF BIHAR, PATNA

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Shailesh Kumar Sharma, Advocate
For the Respondent/s : Mr Anil Kr Singh, GP XXVI

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 22-11-2018

Heard learned counsel for the parties.

2 The original writ petitioner had filed this writ petition claiming that he is entitled to be granted promotion to the higher post of Deputy Director and onward. At the time when the petitioner had approached this Court, he was still working as District Planning Officer.



3 The counter affidavit has been filed on behalf of the State. Paragraph 11 of the same reveals that the only impediment coming in the way of the original writ petitioner's promotion was that there were some adverse entries in his Annual Confidential Report (for brevity, *ACR*) during the period 2010-2011, when he had joined in the services after his return to the Bihar Cadre. That being the only impediment, it is submitted by the learned counsel for the petitioner, that the effect of the adverse entry made in the ACR of original writ petitioner between 31.08.2010 to 31.03.2011 has already been obliterated by notification dated 08.01.2013 issued by the Government (Annexure 1) to the rejoinder filed on behalf of the petitioner.

4 Since the eligibility of the petitioner is not disputed, this Court would observe that taking into consideration the fact that the adverse entry in the ACR has been obliterated under the notification dated 08.01.2013, the claim of the petitioner's husband for promotion should be considered and if there is no other impediment, the same should be granted within a period of eight weeks from the date of receipt/production of a copy of this order.

5 Writ petition is allowed.

6 Consequential monetary benefits arising out of such decision as also pensionary benefits shall be given to the petitioner



expeditiously and preferably within a period of eight weeks of the
decision of the authorities for promotion.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2018
Transmission Date	NA

