

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5729 of 2014

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Jwala Prasad Son Of Late Anil Ram Resident Of Village Bardiha, Post Chandi, P.S.
Charpokhari, District- Bhojpur

.... **Petitioner**

Versus

1. The State Of Bihar Through The Principal Secretary, Urban Development And Housing Department Government Of Bihar, Patna
2. The Bihar State Housing Board Through Its Managing Director Bihar State Housing Board, Patna
3. The Chief Engineer, Bihar State Housing Board, Patna
4. The Secretary, Bihar State Housing Board, Patna

.... **Respondents**

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Appearance :

For the Petitioner : Mr. Md. Anisur Rahman, Advocate

For the State :

For the Board : Mr. Anshuman Singh, Advocate &
Mr. Haridayal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the petitioner, the State and the Bihar State Housing Board (herein after referred to as 'the Board').

The petitioner has challenged denial of his claim for promotion as Superintending Engineer under order dated 12.10.2011.

Submission on behalf of the petitioner is that since he has finally been exonerated in the departmental appeal under order dated 3.11.2011, his case for promotion to the post of Superintending Engineer may now be considered.

In view of the limited issue raised by learned counsel for the petitioner and in view of the fact that the petitioner has been exonerated by the appellate order dated 3.11.2011 passed by the



Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna (respondent no.1), this Court would grant liberty to the petitioner to approach the Managing Director of the Board, Patna (respondent no.2) by raising his claim for promotion with effect from the date he became qualified for the same. In case, such claim is raised by the petitioner within a period of four weeks from today, the same will be considered and decided by a reasoned and speaking order in accordance with law within a period of three months thereafter.

It is made clear that since order of the Appellate Authority dated 3.11.2011 has exonerated the petitioner from the charges which were pending against him at the relevant time, letter dated 12.10.2011 bearing no. 9292 (Annexure 1), issued by the Managing Director of the Board, shall not stand in the way of fresh decision by respondent no.2 in accordance with law.

The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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