

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8877 of 2001

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1. Sharda Sahai, wife of late Nageshwar Sahay
 2. Rajiv Ranjan Kumar, son of late Nageshwar Sahay
 3. Rajni Ranjan Kumar, son of late Nageshwar Sahay
 4. Smt. Rina Sinha, wife of Rajiv Raman Sinha, D/O late Nageshwar Sahay, all are resident of House Matri Prerna Professor Colony, South of St. Louis School, North Shastrinager, P.S. Shastrinagar, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary-cum-Work Commissioner, Road Construction Department Office situated in Nirman Bhawan, P.S. Sachivalaya, Patna
3. Engineer-in-Chief, Road Construction Department, Office situated in Nirman Bhawan, P.S. Sachivalaya, Patna.
4. Joint Secretary, Road Construction Department, Bihar, Patna, Office situated at Nirman Bhawan, P.S. Sachivalaya, Patna
5. The Bihar Public Service Commission through its Chairman, Office situated at Bailey Road, P.S. Sachivalaya, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. Md. Nadim Seraj
For the State : Mr. Arvind Ujjwal, SC4
Mr. Maruth Nath Roy, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-03-2018

No one appears on behalf of the petitioner. However, learned counsel for the Bihar Public Service Commission is present and assisted this Court in disposal of the present case.

The petitioner has claimed for the following relief:

“That the present writ petition is being filed for issuance of writ in the nature of writ of mandamus or any other appropriate writ or direction commanding the respondents to



consider the notional promotion (appointment) of the petitioner on the post of Registrar with effect from the date 1.4.82 and on the post of Assistant Secretary with effect from the date 3.9.85 on which date persons placed Junior to the petitioner in the gradation list were appointed and pay the arrears of difference in pay with other financial benefit to which he is entitled.”

Learned counsel for the Bihar Public Service Commission (hereinafter referred to as the Commission) has drawn the attention of this Court to paragraph nos.9 and 11 of the Supplementary counter affidavit filed on behalf of respondent nos. 2 to 4 wherein following statement has been made:

“9. That the case of the petitioner for promotion to the post of Registrar was considered in the year 1987 and the recommendation of Bihar Public Service Commission in this regard was obtained. In the light of the recommendation of B.P.S.C. petitioner was promoted to the post of Registrar by the Administrative Department vide its notification no.5621 dated 2.12.1987.

11. That it is further stated that after creation of Joint cadre of Assistant, the petitioner was promoted to the post of Under Secretary, vide notification no.14463 dated 29.12.1989 issued from the Personnel and Administrative Reforms



Department.”

It appears that petitioners have been granted promotion on the post of the Registrar vide notification no.5621 dated 2.12.1987 and further the petitioner again claimed for promotion to the post of Under Secretary 1985 but he has been granted the benefit of promotion vide order dated 29.12.1989 and as such the relief which the petitioner has claimed in paragraph no.1 having been granted to him but there is some delay.

This Court does not feel to proceed further in the matter as substantial relief has been granted to the petitioner.

In such view of the matter, there is no need to proceed further in the matter. Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.3.2018
Transmission Date	NA

