

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12951 of 2010

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1. Manki Ram, Aged About 60 Years S/O Late Bishundhari Ram R/O Vill.-
Mominpur, P.S.-Obra, Dist.- Arurangabad.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Agriculture Production Commissioner , Department Of Agriculture, Bihar, Patna.
3. Secretary, Department Of Agriculture, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Anwar Karim, AC to GP 10.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-05-2018

On the last date learned counsel for the petitioner as well as State were not present. Today learned counsel for the State is present but learned counsel for the petitioner is absent.

Having no way out but to dispose of the present case on the basis of the material available on record.

In the present case, the petitioner has sought a relief for grant of regular promotion on the post of Deputy Agriculture Director (Class-I) as per his seniority list with all consequential benefits. He has further made a claim to consider and grant senior selection grade with all consequential benefits after providing one year exemption in completing the requisite "Kalawadhi" in the light of Circular No. 288 dated 16.5.1978 and reiterated in



Circular No. 11601 dated 20.10.1982.

Earlier the Bihar Agriculture Service Association had filed writ petition before this Court for the said relief vide C.W.J.C. No. 6610 of 2002 and this Court has disposed of the writ petition with a direction to Agriculture Department to consider promotions on regular basis and a notification relating to grant of Junior Selection Grade of some Officer has been issued as per Annexure-A and has recorded that remaining posts which would be filled up by promotion should be done on regular basis at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order in order to avoid further litigation, whereafter the petitioner has filed a detailed representation, having claimed that regular promotion and senior selection grade promotion should be given with all consequential benefits after providing one year exemption.

In the counter it has been stated that after implementation of pay commission report the scheme of time bound promotion was withdrawn and they were adjusted on the principle of need based posts. The petitioner was below in the seniority list at the time of consideration of promotion to Scheduled Caste and Schedule Tribe candidates and as such was not given promotion on account



of position in gradation list and having stated that two Senior Officers to the petitioner have been granted promotion. This counter affidavit has been filed in 2011. The petitioner has superannuated from service as on the day of the swearing affidavit the petitioner was aged about 60 years.

In such view of the matter, this court does not find any merit in this writ petition and accordingly the same is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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