

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.246 of 2018
IN
Civil Writ Jurisdiction Case No. 93 of 2017**

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Shailesh Kumar Sinha aged about 61 years Son of late Babulal Prasad Singh R/o Mohalla- Kamruddinganj, P.O. Bihar Sharif, P.S. Laheri, Dist- Nalanda (Bihar) , at Present Posted as Incharge D.P.O. from Sadar Court, Nawada.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna- 800 001.
2. The Home Secretary, Govt. of Bihar Old Secretariat , Patna- 800001
3. The Director of Prosecution Govt. of Bihar Punaichak, P.O. Punaichak, Patna- 800001

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Hira Prasad Pandey, Adv
For the Respondent/s : Mr. P.K. VERMA -AAG3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 21-06-2018

Challenge in the present Letters Patent Appeal is to the Judgment dated 05.12.2017 passed in C.W.J.C. No.93 of 2017 by which the learned writ Court has been pleased to dismiss the writ application holding that in absence of vacancy in General Category, the petitioner could not have been promoted to the post of District Prosecution Officer.

Learned counsel representing the appellant is unable to point out any infirmity or illegality in the impugned judgment. We find that the learned writ Court has gone through the pleadings and finding that out of 21 vacant posts of Sub Divisional Prosecution Officer, 16 Sub Divisional Prosecution Officer were available in the General Category for which the general recommendations were



made in order of seniority, the petitioner did not qualify for promotion under the General Category in absence of vacant posts, ultimately dismissed the writ application.

Promotion is not a vested right, so far as right to be concerned is concerned, in the present case the pleadings available on the record would show that the case of the petitioner has been considered and in order of seniority these 16 vacant posts falling in the General Category has been filled up. The petitioner is unable to point out that any person below him in the seniority list has been appointed ignoring his claim.

The Letters Patent Appeal has no merit and is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	
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