

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24758 of 2013

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DR. P. PUSHPA DAUGHTER OF P. SRI RAM MURTY RESIDENT OF LF-1/13, BLOCK - III, ROAD NO. 10, RAJENDRA NAGAR, PATNA (BIHAR)

... .. Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Government Of Bihar, Patna
2. The Chief Secretary, Government Of Bihar, Patna
3. The Commissioner-Cum-Secretary, Department Of Personnel & General Administration, Government Of Bihar, Old Secretariat, Patna
4. The Commissioner-Cum-Secretary, Human Resources Development Department, Government Of Bihar, Vikash Bhawan, New Secretariat, Bailey Road, Patna
5. The Director, Higher Education, Education Department, Government Of Bihar, Vikash Bhawan, New Secretariat, Bailey Road, Patna
6. The Secretary, Department Of Finance, Government Of Bihar, Patna
7. The Treasury Officer, Government Of Bihar, Vikash Bhawan, New Secretariat, Bailey Road, Patna
8. The Accountant General, Government Of Bihar, Mahalekhakar Bhawan, Bir Chand Patel Path, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Chaubey, advocate,
	:	Mr. M.P. Dixit & Ors., advocate
For the Respondent/s	:	AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-09-2018 Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

In view of the fact that time bound promotion came to an end w.e.f 23.9.1995 so no indulgence can be granted to the petitioner.

The claim of the petitioner is that on similar circumstance others have been granted such benefits. If others have granted promotion illegally is no ground to issue direction



to perpetuate illegality reference in this connection may be to the judgment of the Apex Court in the case of State of U.P Vs. Rajkumar Sharma reported in (2006) 3 SCC 330. Paragraph 15 of the abovesaid judgment is quoted herein below:-

“Even if in some cases appointments have been made by mistake or wrongly that does not confer any right on another person. Article 14 of the Constitution does not envisage negative equality, and if the State committed the mistake it cannot be forced to perpetuate the same mistake”.

In view of the above the writ petition lacks of merit. It is dismissed accordingly.

(Anil Kumar Upadhyay, J)

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