

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19527 of 2016

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Nityanand Kumar S/o Sri Ramdeo Prasad Yadav, resident of Near Devi Sthan,
South of DVC Road, New Yarpur, P.S. Gardanibagh, Patna - 1, presently
Posted as Assistant Engineer, in the office of Chief Engineer - 4 BRRDA ,
Rural Works Department, Bihar Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Rural Works Department, Government of Bihar, Patna
3. The Special Secretary, Rural Works Department, Government of Bihar, Patna
4. The Engineer In Chief Cum Additional Commissioner Cum Special Secretary,
Secretary, Rural Works Dep
5. The Engineer - In - Chief - Cum - Additional Commissioner - Cum - Special
Secretary, Secretary, Rur
6. The Officer On Special Duty, Secretary, Rural Works Department,
Government of Bihar, Patna
7. The Assistant Engineer, Quality Management 2, Secretary, Rural Works
Department, Government of Biha
8. The Principal Secretary, General Administration Department, Government of
Bihar, Patna
9. The Bihar Public Service Commission, Patna through its Chairman

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra
For the Respondent/s : Mr.Ajay- Ga5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-02-2019

Petitioner's counsel submits that the disciplinary proceedings which were made the basis of denying the petitioner the result of the DPC dated 11.07.2016 has now been concluded in favour of the petitioner. The petitioner has been exonerated of the charges on 12.07.2018 by order of the Disciplinary Authority.

In view of such developments during pendency of the writ petition, the petitioner was entitled to be promoted on the decision of the DPC conducted on 11.07.2016, the result of which was kept in the sealed cover. By placing on record the



communication dated 19.12.2018 issued by the State government, it is submitted that the petitioner has been communicated the decision of the DPC that he was found unfit for promotion.

Petitioner's counsel submits that in the meantime various others who are juniors to the petitioner have been promoted and therefore, the petitioner is entitled to promotion having regard to the fact that his juniors have been promoted. In this respect, he submits that he would be making detailed representation before the Principle Secretary, Water Resources Department respondent no. 2 within a period of four weeks from today. In the event such representation is made, it is needless to say that petitioner's claim would be considered and disposed off by a reasoned and speaking order by the respondent no. 2 expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order along with representation of the petitioner.

Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

