

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.38 of 2019

In
Civil Writ Jurisdiction Case No.4843 of 2017

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1. The State of Bihar the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna
 2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
 3. The Engineer in chief, Water Resources Department, Government of Bihar, Patna
 4. The Chief Engineer(Mechanical) Water Resources Department, Government of Bihar, Patna
 5. The Under Secretary Water Resources Department, Government of Bihar, Patna
 6. The Executive Engineer Irrigation(Mechanical) Division, Valmiki Nagar, West Champaran

... .. Petitioner/s

Versus

Subhash Chandra Mishra S/o- Late Ganesh Mishra, R/o- Village- Durganagar,
P.O. Yadochhapar, P.s. Chanpatia, West-Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad (Ac To Aag 4)
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 26-06-2019 Though, the notice has been validly served on the opposite party through his wife, but the opposite party has not chosen to appear in the present case, hence, this Court can not be detained from examining the matter and passing orders.

The present review petition has been filed for reviewing the order dated 04.04.2018 passed by this Court in CWJC No. 4843 of 2017 whereby the writ petition was disposed of with a direction to the respondents to consider the case of the petitioner for grant of promotion with effect from the date his juniors have been granted promotion.



The learned counsel for the petitioner submits that the State could not bring to the notice of this Court that the promotion had already been granted to the opposite party on the post of Assistant Engineer (Mechanical) vide notification dated 25.01.2018 with effect from the date of notification, hence if the opposite party was aggrieved, he could have challenged the same.

Having regard to the facts and circumstances of the case and considering the averments made in the present review petition as also taking into account the submissions advanced by the learned counsel for the petitioners herein, I deem it fit and proper to recall the order dated 04.04.2018 passed in CWJC No. 4843 of 2017 and direct that since the opposite party herein has already been granted promotion vide notification dated 25.01.2018, the State Authorities are not required to pass any fresh order with regard to promotion and in case the opposite party herein is aggrieved by the said notification, he would be at liberty to challenge the same.

The present review petition stands allowed to the aforesaid extent.

Tiwary/-

(Mohit Kumar Shah, J)

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