

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1715 of 2016

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Achal Kumar Rana son of late Ramdeo Rana resident of mohalla - B/7, Vyas Nagar, near Magistrate Colony, Ashiana Digha Road, Police Station - Rajeev Nagar, Patna - 800025.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Old Secretariat, Government of Bihar,
3. The Additional Secretary, Revenue and Land Reforms Department, Old Secretariat, Government of Bihar
4. The Deputy Secretary, Revenue and Land Reforms Department, Old Secretariat, Government of Bihar, Pa
5. The Principal Secretary, General Administration Department, Old Secretariat, Government of Bihar, Patna

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Shekhar Mr. Harishankar Kumar Soni
For the Respondent/s	:	Mr. Birju Prasad, GP 13 with M/s Ajit Anand, Anmol Kumar and Sweta Anand, All AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-01-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The petitioner who was working as Revenue Officer/Kanungo in the office of District Land Acquisition Officer, Vaishali at Hazipur has filed the instant writ petition seeking direction upon the respondents that they should consider his claim for promotion to the next higher post by resorting to the sealed cover procedure in view of pendency of Vigilance



Case No. 007 of 2002. He has also prayed for grant of benefits of ACP/MACP.

A counter affidavit has been filed by the respondents. The specific stand is that during pendency of the writ petition the petitioner's claim for promotion was considered by the Departmental Promotion Committee at its meeting on 16.5.2017. Since the petitioner had not passed the departmental examination and for other ancillary reasons his claim for grant of benefits of promotion was turned down at the meeting of the Departmental Promotion Committee dated 16.5.2017 (Annexure 'B'). Ground has been taken that under provisions of the scheme, benefit is granted to those officers who are otherwise fit for promotion by way of passing of departmental examination. Since the petitioner's name did not figure in the list of the persons who had passed departmental examination the petitioner's claim was not found worthy of consideration for grant of benefits of granting ACP/MACP.

This Court does not find any reason to interfere with the consideration accorded to the petitioner. That apart even though the counter affidavit has been served on the petitioner's Counsel in December 2017 till date the same has not been denied or disputed by filing any rejoinder thereto.



The writ petition is devoid of merit and is accordingly
dismissed.

(Madhuresh Prasad, J.)

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