

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2057 of 2016

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Amar Nath Mishra son of Late Ganesh Dutta Mishra, resident of Village-Nawalganj Mainpur, Police Station- Bhargama, District- Araria.

... .. Petitioner

Versus

1. The State Of Bihar through Chief Secretary, Old Secretariat Patna
2. The Chief Secretary-cum-Chairman, Departmental Promotion Committee, General Administration Department Govt. of Bihar Old Secretariat Patna
3. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna
4. The Secretary, Social Welfare Department, Government of Bihar, Salimpur Ahara, Near Gandhi Maidan Behind residence of Superintendent of Police Rural Patna
5. The Additional Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna
6. The Deputy Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Navendu Kumar
For the Respondent/s : Mr. Dhurjati Kumar Prasad GP 14

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 11-04-2019 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

Grievance of the petitioner is that his promotion to the rank and post of Special Secretary was not considered on account of some restriction imposed in the Department due to pendency of proceedings arising out of CWJC No. 19114 of 2012. Now that the restriction does not remain, he submits that he should be considered for promotion to the post of Special Secretary with effect from January 2015. The petitioner has



retired in January 2016.

Learned Counsel for the State submits that none junior to the petitioner has been granted the promotion.

The issue is not whether any junior has been granted promotion or not. The petitioner's grievance is that since he was not considered due to restriction imposed due to pendency of CWJC No. 19114 of 2012 the authorities should now consider his claim for promotion in light of their policy, as to how they should treat the claim of consideration for promotion, which arose during a period when there was restriction on promotion being observed by the authorities due to pendency of CWJC No. 19114 of 2012.

In view of such submission, since learned Counsel for the petitioner restricted his claim to mere consideration of his representation dated 12.11.2015 in this regard, this writ petition is disposed of with a direction to respondent No. 3 to take a final decision in this respect in accordance with law by a reasoned and speaking order within a period of four months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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