

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4872 of 2016

Bishwanath Singh

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Roy
For the Respondent/s	:	Ms.P. Sharma, AC to SC25
For the AG		Mr. Ram Yash Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-06-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner's claim in the instant proceedings is on account of benefit under time bound promotion scheme.

It is submitted by counsel for the petitioner that from perusal of information granted under the Right to Information Act dated 30.04.2013 (Annexure 1 to writ petition) issued by Public Information Officer-cum-District Establishment Deputy Collector, East Champaran, Motihari, it appears that there is some irregularity in his service, which starts from 01.02.1996. He submitted that even in view of admitted position, petitioner would be entitled to get benefit prior to 01.02.1996, if he fulfils other conditions for 2nd time bound scheme.

State has filed counter affidavit wherein a communication from the Director, Agriculture to the District



Magistrate, East Champaran, Motihari has been placed on record from which it is apparent that District Magistrate is competent authority to take decision on petitioner's claim.

Writ petition therefore, need not be kept pending in view of admitted fact taken note of hereinabove. District Magistrate, East Champaran, Motihari should take a decision on the petitioner's claim for 2nd time bound promotion having regard to the fact that prior to 01.02.1996 even as per information supplied under the RTI Act, there is no breakage in the service. Decision should be taken having regard to other requirement for 2nd time bound promotion and if there is no impediment, same should be granted to the petitioner. Decision in this respect by the District Magistrate, East Champaran, Motihari should be taken within three months from today.

It is made clear that if any dues are found admissible order for payment should also be issued within the aforesaid period.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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