

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12053 of 2014

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Upendra Poddar son of Shri Kanak Lal Poddar resident of Ward No.14,
Hakpara, P.S. and P.O. and District - Saharsa

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Divisional Commissioner - Cum - Chairman, Koshi Command Area Development Agency, Saharsa
3. The Managing Director, Koshi Command Area Development Agency, Saharsa
4. The Secretary, Koshi Command Area Development Agency, Saharsa
5. The Irrigation Commissioner, Water Resources, Bihar, Patna
6. Anil Kumar Nath S/o Indra Deep Nath, Typist, Koshi Command Area Development Agency, Saharsa
7. Sachchidanand Singh S/o Shashi Nath Singh, Typist, Koshi Command Area Development Agency, Saharsa, P.S. and District - Saharsa

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha
For the State	:	Mr. Anil Kumar Singh, AC to SC 21
For SKADA	:	Mr. Satish Chandra Jha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-03-2019 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State as also the learned Counsel appearing for the Koshi, Command Area Development Authority (hereinafter referred to as KCADA).

The petitioner has filed the writ petition assailing the provisional promotion granted to respondent Nos. 6 and 7 as PA from the post of Steno Typist. The writ petition has been filed also with a relief that upon quashing of the promotion granted to respondent Nos. 6 and 7 the benefits attached to the said post be



granted to the petitioner alleging that the petitioner is senior to the said two persons.

The claim is based on decision of the respondent Authority dated 14.6.1994 whereby and whereunder considering the fact that the petitioner had passed the PA Examination conducted by the BPSC in the year 1982, he should be granted benefits of the post of PA and the consequential benefits thereafter from the date of passing of the PA Examination.

The respondent Authority has filed a counter affidavit. It is their specific stand that there were only two posts of PA sanctioned in the respondent Authority. Respondent Nos. 6 and 7 have accordingly been considered and granted the benefit of the said post as per their eligibility. It is their case that the petitioner had already been reverted as Typist under office order dated 14.8.2000. Ever since then he has been getting scale of Typist from which post he retired in the year 2015.

In the instant writ petition also, the order of reversion dated 14.8.2000 has not been challenged by the petitioner. Since the petitioner subsequent upon order dated 14.8.2000 was never on the post or getting scale of PA, challenge to the benefits granted to respondent Nos. 6 and 7 for the post of PA without assailing his reversion is not maintainable. It is also submitted



by the respondent Authority that unless requisition was sent by the respondent Authority the petitioner could not have appeared at the PA Examination conducted by the BPSC. At the relevant point of time in the year 1982 when the petitioner claims to have appeared at and passed the PA Examination conducted by the BPSC, he was serving the District Rural Development Authority. It is only in the year 1994 that he came in the service of KCADA. It is therefore submitted that the petitioner cannot claim any benefit of passing of such examination which was during period when he was in the DRDA at which examination he has appeared without any request being sent by KCADA.

This Court would find force in the submission made by respondent authority. The petitioner stood reverted to the post of Steno Typist under the reversion order dated 14.8.2000. The said reversion has never been assailed by the petitioner. Nothing has been brought on record to show that the petitioner was senior to respondent Nos. 6 or 7. In view of reversion order dated 14.8.2000 the petitioner is estopped from relying upon the earlier decision of the Authority dated 14.6.1994 whereby he was granted scale of PA. The decision dated 14.6.1994 therefore cannot be made basis of claiming that the petitioner is in any way superior to respondent Nos. 6 and 7.



The writ petition is therefore devoid of merit and the
same is dismissed.

(Madhuresh Prasad, J)

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