

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14764 of 2014

Udgar Jha son of Late Babu Prasad Jha resident of village - Bath, P.S. - Madhepur, Distt. Madhubani at present posted as Tracer Rural Works Deptt. Works Division Birpur Distt. Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Rural Works Department, Govenment of Bihar, Patna.
3. The Chief Engineer, Rural Works Department Government of Bihar, Patna.
4. The Superintending Engineer Rural Works Department, Rural Development Special Circle, Saharsa.
5. The Executive Engineer, Rural Works Department Works Division, Birpur, Supaul.
6. The Principal Secretary, Water Resources Department Government of Bihar, Patna.
7. The Chief Engineer Works Resources Department, Birpur.
8. The Superintending Engineer, Drainage Investigation Circle, Koshi Project, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shanti Pratap Mr. Arvind Kumar Varma
For the Respondent/s	:	Mr.Raghwand, GA-11

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-09-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Claim raised in the instant writ proceedings is to consider petitioner's promotion to the post of Draftsman grade II with effect from 11.05.1988.

Writ petition has been filed after long lapse of time from the date with effect from which petitioner claims the



promotion.

However, on going through the last supplementary counter affidavit, this court would find that it is the specific stand of the State authority in para 13 of the supplementary counter affidavit filed by respondent nos. 3 to 5 that the Executive Engineer, Rural Works Department, work circle 2, Saharsa on 21.04.2010 (Annexure 11/A) supplied the sought for information to the Chief Engineer, Water Resources Department, Virpur and that now decision of the petitioner's claim is lying on the Water Resources Department, Government of Bihar.

In view of said stand and since final decision is yet to be taken by the State Authority, this writ petition need not be kept pending.

Respondent nos. 2 and 3 are therefore, directed to take final decision in terms of communication dated 21.04.2010 stand of the respondents in the counter affidavit taken note of hereinabove.

If claim for promotion is found legal, valid and sustainable then the same should be granted to the petitioner with consequential monetary benefit.

Final decision in this respect should be taken by the



respondents-authorities within three months from the date of receipt/production of a copy of this order.

To facilitate decision, petitioner would be obliged to serve copy of this order on the respondents-authorities within four weeks.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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