

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10140 of 2019

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Satya Prakash Sinha Son of Late Tara Pada Sinha Resident of Flat No-G 2(B),
Girja Garden Apartment, New Punaichak, P.S. Shashtri Nagar, District-Patna,
Pin-8,000,23. Petitioner/s

Versus

1. The State of Bihar
 2. The Principal secretary, Labour Resources Department, Government of Bihar, Patna
 3. The Director, Directorate, Employment and Training, Labour Resources Department, Government of Bihar, Patna
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Sinha No.1, Advocate
For the Respondent/s : Mr.Sarvesh Kumar (GP-24)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the

State.

The grievance of the petitioner in the present writ petition is inaction on the part of the respondents in considering the case of the petitioner for promotion.

Learned counsel for the petitioner submits that the petitioner is senior most in the cadre and he has completed his Kalawadhi, and as such, he is entitled to promotion. With reference to the counter affidavit he submits that 25% quota were available for promotees and 75% for direct recruits when petitioner completed Kalawadhi for promotion.

Learned counsel for the respondents vehemently opposes the prayer of the petitioner. He submits that in 2017 the



respondents have framed a new rule and now there is no quota for promotion. His contention is that no junior to the petitioner has been granted promotion and as such the petitioner has no right to claim promotion. He further submits that the case of the petitioner does not fall within the exceptional category carved out by of the Finance Department for grant of promotion retrospectively.

On consideration of the rival contention of the parties, the Court is of the view that the respndents have to consider the case of the petitioner in terms of the policy and rule which was prevalent at the time the petitioner acquired eligibility on completion of Kalawadhi for grant of promotion. Reference in this connection may be made to the Apex Court judgment in the cases of **A.A. Calton vs The Director Of Education & Ors: AIR 1983 SC 1143** and **Y.V.Rangaiah & Ors. Vs. J.Sreenivasa Rao & ors.: AIR 1983 SC 852.**

Accordingly, the writ petition is disposed of with the direction to the respondents to take step for filling up 25% quota earmarked for promotees at the earliest.

(Anil Kumar Upadhyay, J)

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