

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1532 of 2016

Indrakant Chaudhary Son of late Ram Narain Chaudhary Resident of Village-
Singhia , P.s Singhia, District Samastipur

... .. Petitioner

Versus

1. The State Of Bihar through the chief Secretary , Government of Bihar, Patna
2. Principal Secretary-cum-Commissioner, Labour Employment and Training ,
Patna Secretariat, Patna
3. Director of the Department of Labour Employment and Training, Vikash
Bhawan, Patna Secretariat, Patna
4. The Accountant General, Bihar, Patna

... .. Respondents

Appearance :

For the Petitioner	: Mr. Ravi Bhardwaj, Advocate
For the State	: Mr. Rakesh Narayan Singh, AC to AAG 15
for the Accountant General, Bihar	: Mrs. Namrata Mishra, Advocate and Archna Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 27-03-2019

Heard learned counsel for the petitioner as well as
learned counsel appearing for the respondents.

Petitioner claims shifting back of the date of grant of
junior selection grade which was granted to him with effect from
7.8.1986 to 28.1.1982. It is the submission of the petitioner's
counsel that the petitioner fulfilled the requisite qualification for
the promotion in January, 1983. The same is admitted from the
counter affidavit filed by respondents no. 2 and 3. Claim of the
petitioner is based on the fact that others junior to him in Annexure
6 dated 29.4.1989 were granted promotion as junior selection
grade ignoring his legitimate claim.



From bare perusal of Annexure 6 it is not possible to conclude that those who were granted promotion way back in 1989 were junior to the petitioner.

Counter affidavit which has been filed by respondents clearly states that several factors were required to be considered while granting promotion to the petitioner in junior selection grade. The requisite relevant factors are seniority, passing of the departmental accounts examination, fulfilment of tenure (Kalawadhi) as well as availability of the post at the relevant time. Having examined the issues from all aspects and considering the fact that the petitioner joined the service on 28.1.1977, passed the departmental accounts examination on 10.1.1982 and that his service was confirmed on 11.1.1983 he was granted benefits of junior selection grade with effect from 7.8.1986. Specific stand of the respondent is that nobody, junior to the writ petitioner, has been granted the benefit of junior selection grade prior to the petitioner.

Assertion of the petitioner that his juniors have been allowed junior selection grade prior to the petitioner, is also not borne from Annexures 6, 7, 8 and 9 of the writ petition.



In the aforesaid circumstances, claim of the petitioner is not sustainable. Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
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