

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13209 of 2014

=====

Shashi Bajpayee Son of Late Ramroop Bajpayee resident of village-
Kolhurwa, P.O P.S.- Banjaria, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, East Champaran, Motihari.
3. The Deputy Development Commissioner cum Chief Executive officer, Zila Parishad, East Champaran, Mot
4. The Chairman, Zila Parishad, East Champaran, Motihari.
5. Shiv Nath Mahto Son of Indra Deo Mahto At and P.O. Nautan, P.S.- Nautan, District- West Champaran., At present residing at H/O- Yogendra Chaudhary, Mohalla- Gopalpur Balua, P.O and P.S.- Motihari Town, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Gopal Jha
For the State	:	Mr.Asit Kumar Jha, AC to GP2
For Zila Parishad	:	Mr.Sanjay Kumar

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner's counsel has claimed for quashing of Annexure 10 whereby on account of certain vacancies having been created due to suspension of other employees, one Shiv Nath Mahto and Ramashray Ram have been directed to function as Incharge head clerk-cum- accountant in the office. He submits that said two persons are juniors to him and as such he should have been allowed to function as in-charge in place of said two persons.

Claim was raised by the petitioner in light of order



dated 27.02.2013 passed in CWJC no. 2757/2013. Office of the District Parishad, Motihari has passed an order on 09.01.2014 wherein Deputy Development Commissioner-cum-Chief Executive Officer has considered claim of the petitioner vis-a-vis other two persons in detail. Order is to the extent that inter se seniority and other requisite for promotion of all three persons are yet to be determined. It has been clearly mentioned in the order that none of the persons was eligible for promotion as they had not passed requisite departmental examination.

In view of the aforesaid consideration other two persons namely, Shiv Nath Mahto and Ramashray Ram have been allowed to function as “incharge” head clerk in view of administrative exigency. Posting is not by way of promotion ignoring claim of the petitioner.

Counsel for the State has also pointed out that from perusal of order dated 09.01.2014 which has been impugned in the instant proceedings, it would be apparent that one of the said two persons namely, Ramashray Ram has retired long back.

Writ petition is devoid of merit and does not raise any enforceable right and same is dismissed.

s.hassan/-

U			
---	--	--	--

(Madhuresh Prasad, J)

