IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8499 of 2011

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Mahanth Manjhi, S/o Late Sagar Manjhi, Resident Of Village And P.O- Sonauli, P.S- Mashrak, District- Chapra, Bihar and superannuated from Bihar State Food And Civil Supplies Corporation, Patna as Assistant Accounts Officer with Headquarters Sitramahi

... ... Petitioner/s

Versus

1. The State of Bihar through Secretary, Finance Department
2. The Principal Secretary Authority of Finance (Bureau of Public Enterprises) Department, State of Bihar
3. The Bihar State Food & Civil Supplies Corporation, Patna through Managing Director.
4. The Special Secretary, Madan Mohan Prasad, Finance Department, State of Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Mahanth Manjhi (In Person)
For the Respondent/s	:	Ms Binita Singh, SC XXVIII
		Mr Apurv Harsh, AC to SC XXVIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 01-07-2019

Heard the petitioner in person and the learned counsel for the respondent-State.

2 Petitioner has approached this Court claiming promotion as Finance Officer in the respondent-Organization. The petitioner, for the same relief, had approached this Court earlier also. After considering the claim of the petitioner and the fact that in place of the Bihar State Food and Civil Supplies Corporation, the State authorities were required to consider his claim for approval of promotion to the post of Accounts Officer, earlier writ petition bearing CWJC No 16381 of 2010 was disposed of with a direction to the authorities of the Finance Department to consider the case of the petitioner for grant of approval of promotion of the petitioner on the post of Accounts Officer in light of the Office Order dated 23.11.2000.

3 The issue has, thereafter, been considered by the Principal Secretary of the Finance Department. Vide his order dated 24.01.2011, he has found the petitioner's claim untenable. Reason has been assigned that petitioner was a B Com whereas the requirement for holding the post of Accounts Officer is that the incumbent should be either a Chartered Accountant or Cost Accountant.

4 Having regard to the aforesaid disqualification of the petitioner and the fact that the grant of promotion was subject to confirmation by the competent authorities and that the petitioner could not claim a vested right, claim of the petitioner has been rejected.

5 Petitioner submits that since he was having full knowledge of maintenance of accounts and has discharged his duties on the basis of his knowledge, rejection of his claim of confirmation as Accounts Officer is not sustainable.

6 The Court would consider that the Principal Secretary, Finance Department has assigned the reasons for rejecting his claim. The petitioner, admittedly, is not a Chartered Accountant or Cost Accountant. Merely for the fact that he has been discharging the duties of Accounts Officer cannot enure to the benefits to the petitioner that ignoring the requisite qualification of Chartered Accountancy or Cost Accountancy, he should be promoted as Accounts Officer even though he is only a B Com.

7 Claim of the petitioner raised in the instant proceeding does not merit any consideration. Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2019
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