

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7615 of 2011

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Suresh Chandra Gupta son of Late Ram Chandra Gupta presently residing at
Flat no. 233, Triveni Apartment, East Boring Canal Road, PS Budha Colony,
Town and District Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR and ORS

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan
For respondent-BPSC	:	Mr. K.B. Nath
For the State	:	Mr.Ramadhar Singh GP 25

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 01-07-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner has prayed for promotion as Superintending Engineer as well as further promotion of Chief Engineer. Petitioner's claim for Superintendent Engineer was to be considered in Departmental Promotion Committee (DPC) dated 09.01.2008.

Counsel for the petitioner submits that for the first time charge memo was served on the petitioner after DPC dated 09.01.2008, i.e. on 22.02.2008. Relying on the decision of the Apex Court in the case of Union of India & ors vs. K.V. Jankiraman reported in (1991)4 SCC 109, he submits that date of submission of charge memo in a departmental proceeding is the date of initiation of proceeding. Prior thereto, respondents



cannot in any manner withhold petitioner's promotion by resorting to sealed cover procedure and in view of the admitted fact that charge memo was served on the petitioner as per averments made in the counter affidavit, on 20.02.2008.

It is submitted by counsel for the petitioner that placing reliance on law laid down by the Apex Court in the case of K.V. Jankiraman (supra) petitioner would approach respondent no.2 in respect of his claim for declaring result of DPC dated 09.01.2008 which has been kept in a sealed cover.

In the event such application is filed within four weeks, this court would observe that Principal Secretary, Public Health Engineering Department, Bihar, Patna (respondent no.2) would consider the same by reasoned and speaking order in accordance with law within a period of three months thereafter and dues, if found admissible should also be paid to the petitioner within the aforesaid period.

Petitioner's counsel submits that for promotion in respect of higher post, he would be approaching authority.

Liberty is accorded to the petitioner.

Writ petition stands disposed of.

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(Madhuresh Prasad, J)

