

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12382 of 2014

Bindeshwar Prasad, S/o Late Ramchaliter Thakur, Resident of Village Purani Kankerbagh, Gate No. 15, Near Commerce College, P.S. Kankerbagh, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Govt of Bihar, Patna.
3. The Chief Engineer, Central Design and Research, Water Resources Department, Anishabad, Patna.
4. The Superintending Engineer, Research and Training Circle, Khagaul, Patna.
5. The Executive Engineer, Division No. 2, Research and Training, Khagaul, Patna.
6. The Accounts Officer, Patna Collectorate, Patna.
7. The Treasury Officer, Vishwasariya Bhawan, Secretariat, Patna.
8. The Accountant General of Bihar, Birchand Patel Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Onkar Nath, Advocate
For the Respondent/s	:	Mr Sunil Kr Mandal, SC III
		Ms Neelam Kumari,
		Mr Bipin Kr, ACs to SC III

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-04-2019

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

2 Petitioner has sought quashing of order dated 09.05.2014 issued by the Chief Engineer of the Water Resource Department, Patna whereby the promotion to Junior Selection Grade granted under order dated 19.12.2000 with effect from



01.04.1990 has been rescinded, having regard to the fact that he had passed the Departmental Accounts Examination conferring eligibility for Junior Selection Grade, in the year 1998.

3 In view of non-passing of Departmental Accounts Examination, petitioner, as per the extant Government instructions, was not entitled to grant of Junior Selection Grade prior to his passing of Departmental Accounts Examination which he, admittedly, passed in the year, 1998. The said fact has not been denied or disputed by fling rejoinder to the counter affidavit. Considering the fact that Junior Selection Grade was granted with effect from 01.04.1990, without any misrepresentation or suppression on the part of the petitioner, no recovery whatsoever has been directed from the petitioner, under the impugned order.

4 The issue, therefore, requires no interference in these proceedings.

5 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2019
Transmission Date	NA

