

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21 of 2018

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Sunita Sinha wife of Late Abhay Kumar Sinha, resident of Mohalla- Naya Tola, Khazanchi Road, P.S.- Pirbahore, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna
2. The Principal Secretary, General Administrative Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Minor Irrigation Department, Govt. of Bihar, Vikash Bhawan, Patna.
4. The Engineer-in- Chief, Minor Irrigation Department, Biseshwariya Bhawan, Bailey Road, Patna.
5. The Chief Engineer, Minor Irrigation Department, Sheikhpura, Patna.
6. The Superintending Engineer, Minor Irrigation Circle, Patna- 1.
7. The Executive Engineer, Minor Irrigation Division, Patna- 1 near west side of Patna High Court.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Mukul Prasad
For the Respondent/s : Mr.Anirban Kundu- Sc24

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-05-2019 Matter has been listed today in the Summer Vacations as the learned Counsel for the petitioner was desirous for consideration of his case during Vacation.

The slip for listing was filed pursuant to notice dated 08th May 2019, published prior to the Vacation.

The matter is, accordingly taken up for consideration as both parties are present and willing to assist the Court for disposal of the matter.



Relying upon the judgment in the case of *State of Bihar vs. Mahendra Baitha* reported in *2018(3) PLJR 173*, it is submitted by Counsel appearing for the petitioner that he would approach the Chief Engineer (Respondent No. 4). The petitioner would place on record before the Chief Engineer, Minor Irrigation (respondent No. 5) whether there is any rule providing a promotional avenue and if there is no such rule then placing reliance on the aforesaid judgment he would raise his claim for grant of benefits under the ACP ignoring the requirement of passing of the departmental examination.

It is agreed that the issue has to be examined by the respondents in light of the aforesaid submission made by Counsel for the petitioner.

In view of the aforesaid circumstances, no useful purpose would be served by keeping the writ petition pending.

The writ petition is disposed of. The petitioner would be at liberty to raise his claim before respondent No. 5 within a period of four weeks. In the event such a claim is made, the claim of the petitioner will be disposed of having regard to the provisions contained in Clause 4(1)(C) of the State Litigation Policy 2011 and final decision in accordance with law should be taken by respondent No. 5 within a period of eight weeks



thereafter. It is made clear that if any dues are found admissible
the same should also be paid during the aforesaid time.

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

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