

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.424 of 2018

In

Civil Writ Jurisdiction Case No.10138 of 2005

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Anil Kumar Tiwari Son of Shri Shyam Nandan Tiwari Resident of Village-
Lathanpur Dumri, P.O. Dumari Bujurg, Police Station- Nayagaon, District-
Saran at Chhapra. Appellant/s

Versus

1. The State of Bihar
 2. The Commissioner Agriculture Production, Govt. of Bihar, Patna.
 3. The Secretary, Agriculture Development, Govt. of Bihar, Patna.
 4. The Deputy Secretary, Agriculture Department, Govt. of Bihar, Patna.
 5. The Collector, District- Saran at Chhapra.
 6. The Deputy Collector Establishment, Saran at Chhapra.
 7. The Block Development Officer, Baniapur, District- Saran at Chhapra.
- Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh
For the Respondent/s : Mr. Servesh Kr.Singh -Aag13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-06-2019

Heard learned counsel for the appellant and perused the records.

The appellant has virtually questioned the action of the authorities in not having extended him the benefit of parity of appointment with effect from the date his other colleagues were granted appointment in the year 1993.

The facts, as disclosed and which remain undisputed, are that the petitioner for some reason or the other was denied appointment which he challenged before this Court and



ultimately the Court allowed his writ petition on 1st of September, 1995 directing the Collector to consider the claim of the petitioner and to grant him appointment, if he is eligible.

A contempt petition was earlier filed and finally the petitioner was granted appointment on 23rd September, 2003.

This substantive appointment was accepted by the appellant without any demur and the same was not challenged.

It appears that when the benefit of promotion was being extended, the appellant filed a representation that he should also be considered for promotion along with those who had applied in the year 1992. This has not been accepted and thereafter the appellant, feeling aggrieved, filed the writ petition giving rise to this appeal.

The learned Single Judge has arrived at a conclusion that in view of the fact that those who were being extended the benefit of promotion had been appointed 11 years prior to the appellant, there is no question of parity for several reasons as detailed in the impugned judgement.

We, however, find that the fact remains that the date of substantive appointment of the appellant on 23rd September, 2003 does not appear to have been challenged and, consequently, it is the said date which would be relevant for



counting his services for the purpose of any promotion.

In the background aforesaid, the claim of the petitioner seeking parity from 1992 in our opinion has been rightly declined by the learned Single Judge.

It has been pointed out by the learned counsel that in paragraph 10 of the impugned judgement the learned Single Judge has found that the appellant was entitled for being considered now, but he contends that in spite of observations made, no steps have been by the respondents till date.

We, therefore, dispose of this appeal with a direction to the respondent No.2 to consider the claim of the petitioner as per the observations made by the learned Single Judge in paragraph 10 of the impugned judgement and pass an appropriate order within three months from the date of receipt/production of a certified copy of this judgement.

The Appeal stands disposed of.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

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