

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18759 of 2019

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Bhagwati Charan Srivastava S/o Late Rameshwar Prasad R/o Mohalla-
Kashipur, Police Statio- Samastipur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue, Main Secretariat, Patna
2. The Commissioner Darbhanga Division, Darbhanga
3. The District Magistrate cum Collector Samastipur
4. The Accountant General Bihar, Patna
5. The District Treasury Officer Samstipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-09-2019 Following is the relief, which the petitioner is seeking:-

“(i) For issuance of an appropriate order, direction or writ in the nature of MANDAMUS commanding the respondents to grant promotion to petitioner, on the post of Upper Division Assistant with effect from April 1958, further to grant promotional post of selection Grade Assistant with effect from 01.04.1964 and make payment with all consequential benefits with retrospective effect to petitioner. Assistant with effect from 01.04.1964 and make payment with all consequential benefits with retrospective



effect to petitioner.”

2. It transpires from the pleadings on record that the petitioner had earlier approached this Court by filing writ petition, giving rise to CWJC No. 10637 of 1992, wherein he had claimed promotion on the post of Office Superintendent (Supply) with retrospective effect. A plea was taken on behalf of the private respondent in the said case that if the petitioner was given any promotion with retrospective effect, the same would disturb his position in service. It was in that background that the writ application was disposed of with the observation that the petitioner might approach the authorities concerned for grant of a promotion with retrospective effect and the authorities concerned should decide the matter finally after hearing the petitioner and the parties in the said writ application. The petitioner had filed his representation before the Collector, Samastipur, in the light of the said order of this Court dated 17.05.1994, passed in CWJC No. 10637 of 1992. The petitioner's representation was admittedly rejected by an order passed by the Collector on 03.08.1994.

3. Twenty five years thereafter the petitioner has again approached this Court seeking direction to allow him promotion on the post of Upper Division Assistant with effect



from April, 1958 and Selection Grade Assistant with effect from 01.04.1964. As has already been noted, there was specific stand taken in the earlier writ application filed on behalf of the petitioner, by the private respondent that any retrospective promotion would adversely affect others position.

4. I am not inclined to entertain this writ application for two reasons. Firstly, the writ application has been filed more than 25 years of passing of the order by the Collector, refusing petitioner's claim to grant him promotion from retrospective effect. Secondly, the person, who was private respondent in the said writ application is not a party in the present case.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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