

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19081 of 2011

Amrendra Shekhar Singh S/O Late Maheshwar Prasad Singh R/O
Sangrampur, P.S. - Sangrampur, District - Munger

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Labour Resources Department, Government of Bihar, New Secretariat, Patna
3. The Director, Employment and Training, Labour Resources Department, Government of Bihar, New Secretariat, Patna.

... .. Respondents

Appearance :

For the Petitioners : Mr. Surendra Kumar Singh with Mr. Vaibhav
Vikram Singh, Advocates.
For the Respondents : Mr. Anuj Kumar AC to SC-12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 25-02-2020 Heard learned counsel for petitioner and learned
counsel for the Respondent-State.

The petitioner is working as Principal, Industrial Training Institute, Jehanabad. The pleadings have been exchanged and placed on record in the instant proceedings.

The admitted fact is that petitioner was confirmed in service on 06.10.2010, however, w.e.f. 17.05.1992 under notification bearing Memo No. 679, dated 06.10.2010 (Annexure -B to the counter affidavit filed on behalf of Respondent No 2 and 3). The authorities, thereafter, have considered the petitioner's claim under the guidelines of the Home (Special) Department. The petitioner has, accordingly,



been placed at Serial no. 3A between Serial no. 3 & 4 in the Gradation List pursuant to communication dated 19.07.2013 bearing Memo No. 2421 (Annexure E to the counter affidavit filed on behalf of Respondent no. 2 and 3.

The petitioner's counsel, therefore, submits that even though order confirming petitioner's service has been issued in 2010, the same is w.e.f. an earlier date, the petitioner, therefore, is entitled to be considered for promotion in the Selection Grade Principal.

The learned counsel representing the State, on the other hand, submits that in view of the determination now having been done and since the petitioner has already been excluded in the Gradation List, the necessary action would be initiated accordingly. Specific averments to this effect/extent have been made in paragraph No. 23 of the counter affidavit filed by the State. The petitioner, in the meantime, has superannuated.

The writ petition is, therefore, disposed off with direction to the Respondent No.3 (The Director, Employment and Training, Labour Resources Department, Govt. of Bihar, New Secretariat, Patna) to take appropriate action, as per averments made in para 23 of the counter affidavit, in



accordance with law and grant what is due to the petitioner without any undue delay, expeditiously and preferably within a period of three (03) months from the date of receipt/production of a copy of this order. The decision in respect of the petitioner's claim should be by assigning reasons in support of the same.

(Madhuresh Prasad, J)

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