

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18093 of 2015

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Anil Kumar Son of Late Kalika Raman Sinha, Resident of Maulabagh, P.S.-
Nawada, Town-Ara, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Commercial Taxes Department, Government of Bihar.
2. Commissioner-cum-Secretary, Commercial Taxes Department, Government of Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad,Advocate
For the Respondent/s : Mr.Kumar Alok- SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-01-2021 This writ application has been preferred for issuance of a writ in the nature writ of mandamus.

The petitioner in the present case is seeking a direction to the respondents to grant him promotion on the post of Joint Commissioner Commercial Taxes, Commercial Taxes Department, Government of Bihar with effect from the date on which persons junior to him have been granted promotion.

During pendency of the writ application, the respondents seem to have taken up the cases for consideration of the eligible persons for their promotion from the post of Deputy Commissioner Commercial Taxes to the post of Joint Commissioner Commercial Taxes.

In this regard, Mr. Kumar Alok, learned SC-8 produced a copy of the notification as contained in Memo No. 2206 dated 15.06.2016 issued by the Government of Bihar in its Commercial



Taxes Department. The notification contains the name of the petitioner at serial no. 1. He has been given promotion with effect from 01.07.2016.

Mr. Siddharth Prasad, learned counsel for the petitioner submits that the petitioner was not considered for promotion even though he had become eligible and was within the consideration zone. It is his grievance that persons junior to him were given promotion vide notification contained in Memo No. 5261 dated 22.12.2011 (Annexure '8') and again vide notification contained in Memo No. 4669 dated 31.12.2013 (Annexure '9'). His submission is that the grievance of the petitioner has not been fully redressed by the respondents till date.

Mr. Kumar Alok, learned Standing Counsel for the State has submitted before this Court that he has instruction to say that the name of the petitioner will be considered for promotion with effect from the date persons junior to him have been promoted and if he is found fit he may be allowed the said benefit, for this purpose the petitioner may submit a representation with the Department which will be considered and an appropriate order shall be passed thereon within a reasonable time.

Mr. Siddharth Prasad, learned counsel for the petitioner submits that he would be contented if the respondents consider the name of the petitioner for promotion with effect from the date juniors to him have been promoted, within a reasonable period.



Having heard learned counsel for the petitioner and learned Standing Counsel for the State, this Court finds that a reasonable stand has been taken on behalf of the State. The petitioner is granted liberty to submit a representation before the respondents within a period of four weeks from today and on submission of the representation, the same will be considered by the respondent authorities and an appropriate decision shall be taken thereon within a period of three months from the date of receipt of the said representation. Such decision must be reasoned one and communicated to the petitioner immediately after the decision is taken. In case the petitioner is found fit for promotion with effect from the date his juniors have been promoted, the respondents shall consider giving all consequential benefits to the petitioner.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

