

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10456 of 2021

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Shailendra Kumar Yadav Son of Late Sukan Yadav Resident of Village-Dhanho, P.O. Hardiya, P.S.-Sindhiya, District-Samastipur at Present Primary Health Centre, Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
2. The Director in Chief, Health Service Bihar, Patna.
3. The District Magistrate, Nalanda at Bihar Sharif.
4. The Civil Surgeon Cum Chief Medical Officer, Nalanda at Bihar Sharif.
5. The Incharge Medical Officer, Primary Health Centre, Hilsa, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari
For the Respondent/s : Mr.Birju Prasad (Gp13)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 11-03-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

“(i) To direct the Respondent authorities as to consider promotion of the Petitioner on the post of Driver a like others who having also been appointed by the same order contained in Memo No. 230 dated 24.07.1993 and further taking into consideration the order contained in Memo No. 516 dated 02.12.2020 and the letter No. 414 dated 14.10.2003.

(ii) To direct the respondent authorities to consider the eligibility and work experience of the Petitioner as he has been discharging duty of driver in terms of Memo



No. 287 dated 28.11.2002 issued from the office of the Chief Medical Officer, Bihar Sharif at Nalanda.”

3. Aforesaid relief is not supported by material information, like method of recruitment rules, feeder cadre and how the petitioner has vested statutory/legal right. In the absence of aforesaid material information, the present petition cannot be entertained in the light of Apex Court’s decision in the case of ***Mani Subrat Jain V. State of Haryana & Ors.*** reported in ***A.I.R. 1977 SC 276.***

4. Accordingly, the present petition stands dismissed reserving liberty to the petitioner to approach the concerned authority with appropriate material and a detailed representation as to how the petitioner is entitled to be promoted to the post of Driver. If such representation is submitted, appointing authority is hereby directed to examine the petitioner’s grievance and redress the same within a period of three months from the date of receipt of such representation.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.03.2022
Transmission Date	

