

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6059 of 2020

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Sidhinath Jha Son of Late Ratneshwar Jha, R/o Village- Rambhadrapur, P.S. Bahadurpur, Distt. Darbhanga, Superannuated from the Post of Statistical Computer While posted under Joint Director, Soil Test Laboratory, Department of Agriculture, Mithapur, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, New Secretariat, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, New Secretariat, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Old Secretariat, Government of Bihar, Patna.
5. The Principal Secretary, Department of General and Administrative Reform Department, Old Secretariat, Government of Bihar, Patna.
6. The Administrator, Bihar State Agriculture Marketing Board (Dissolved), Pant Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Respondent/s : Mr. Jay Prakash Sharma, AC to GP-21

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

Date : 07-03-2022

Heard learned counsels for the parties.

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

“That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing of the reasoned order no. 1084/2016 dated 23.06.2016 passed by the Administrator (respondent no. 6) communicated vide letter



no. 1086 dated 24.6.2016 during the pendency of the contempt application of the petitioner bearing M.J.C. No. 43 of 2016 whereby and where under representation of the petitioner dated 15.10.2014 filed in the light of order of this Hon'ble Court dated 20.8.2014 passed in CWJC No. 10880 of 1994 has been rejected with regard to grant of promotion either to the post of Accountant or Market Supervisor and pay scale of that posts with retrospective effect like similarly situated persons to the petitioner namely Sri Mangan Sah, Accountant, juniors to the petitioner namely Sri Bhupendra Narayan Singh and Sri Madan Mohan Jha, Market Supervisor and further prayer for a direction to the respondents to provide pay scale of the petitioner along with arrears to the post of Accountant w.e.f. passing of departmental examination of Accounts and Audit i.e. w.e.f. 3.7.1979 like Mangan Sah in the light of decision of the establishment sub committee dated 8.3.1976 or in alternative provide pay scale of Market Supervisor along with its arrears w.e.f. the date on which juniors to the petitioner namely Sri Bhupendra Narayan Singh and Sri Madan Mohan Jha have been granted pay scale of Market Supervisor w.e.f. 1.10.1982 and w.e.f. 26.7.1988 respectively and for the other necessary relief or reliefs for which the petitioners are entitled to in accordance with law."

3. Grievance of the petitioner is relating to promotion to the post of Accountant/ Market Supervisor on the score that petitioner's junior was promoted in the year 1982. For the first time petitioner has approached this Court in CWJC No.10800 of 1994. Thereafter, he has filed MJC No. 43 of 2016.



During pendency of the aforesaid litigation an order was passed on 23.06.2016. This Court had directed the petitioner to submit a representation to Respondent Nos. 2 to 4. Respondent- Three Men Committee rejected the petitioner's representation on 13.11.2020 which has not been questioned by the petitioner in the present case. The same has been brought on record by the official respondent by means of counter affidavit. The three members committee's decision dated 13.11.2020 is with reference to reiterating the reasons assigned in the order dated 23.06.2016. In other words, petitioner's representation has not been considered. Therefore, the three members committee is hereby directed to re-visit the petitioner's representation and so also question of delay and laches on the part of the petitioner in claiming the promotion to the post of Accountant/ Market Supervisor be examined in the light of Apex Court's decision in the case of *P.S. Sadasivaswamy Appellant V. State of T.N.* reported in *AIR 1974 SC 2271* read with the case of *Vijay Kumar Kaul and Ors. v. Union of India [(2012) 7 SCC 610]* and pass a detailed speaking order both on the ground of delay and merit. Merit is with reference to service particulars of the petitioner and immediate junior, further method of promotion and seniority list of the feeder cadre and reservation in



promotion if any? Above exercise shall be completed within a period of four months from the date of receipt of this order.

4. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.03.2022
Transmission Date	

