IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17392 of 2014

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Pawan Kumar S/o Late Parmanand Lakhotia Resident of 85 Sarswati apartment, S.P. Verma Road, Patna-800001, And present posted as Joint Commissioner Commercial Taxes Department Tax research unit, Vikas Bhawan, New Secretariat.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner Commercial Taxes cum Secretary to the Govt. of Bihar.
3. Additional Commissioner of Commissioner Commercial Taxes cum Secretary to the Govt. of Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Kumar Shanu, AC to AG

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 01-12-2022 1. No one appears for the petitioner.

2. The petitioner has prayed as under:

> *"1. That, this is an application Under Article 226 of the Constitution of India for issuance of appropriate direction calling upon the Respondents to set-a-side or quash the adverse confidential report for the year 2007-08, more specifically spanning from 23.10.2007 to 31.03.2008 whereby and wherein the alleged second explanation to ACR was not communicated to the applicant on opportune time. Which was detrimental to the interest of the applicant or issue such other direction or directions order or orders which the lordship may deem equitable under the facts and circumstances of the case."*

3. The writ petition was filed after the information was received under the RTI Act of 2009 in 2014 with relation to the ACR of 2007-08. Admittedly, the petitioner had preferred a

representation for quashing the adverse remarks in the said ACR on 18.06.2014.The remarks are of 2007-08. More than six years have passed. No decision has been taken on the representation and a writ petition has been filed without assailing the same. Learned counsel for the petitioner states that no communications was made before entering the said remark.

4. In the opinion of this court, the communication for the explanation in ACR is only required to be made if the same is provided under rules since there is no such provision referred to, no interference is made out.

6. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 43

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