

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1361 of 2019

In

Civil Writ Jurisdiction Case No.18054 of 2019

Dr. Anand Kumar son of late Ram Lakhan Sharma, resident of 5/6, North S.K. Puri, P.S. S.K. Puri, Patna- 800013.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, 1st Floor, Jawaharlal Nehru Marg, Patna- 800015.
3. The Joint Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, 1st Floor, Jawaharlal Nehru Marg, Patna- 800015.
4. The Commissioner, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, 1st Floor, Jawaharlal Nehru Marg, Patna- 800015.
5. Shri Sri Krishna Paswan, son of late Shobhi Paswan at present posted as Joint Commissioner, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, 1st Floor, Jawaharlal Nehru Marg, Patna- 800015.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Basant Kumar Chaudhary, Sr. Advocate with
Mr. Arvind Kumar, Advocate

For the Respondent/s : Mr. Pushkar Narain Shahi (AAG 6)

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 25-04-2022 The challenge is to the order dated 17th September, 2019 passed by a learned Single Judge of this Court in CWJC No 18054 of 2019. The operative part of the order reads as under:



“x x x x

3. *In my opinion, it is late in the day for the petitioner to raise his claim. The respondent No.5 was admittedly allowed promotion in 2009 and subsequently in 2012. If according to the petitioner, his promotion was wrongly withheld, he could have approached the authority immediately after or within a reasonable time from the date when some junior to him was allowed promotion.*

4. *I am not inclined to entertain petitioner's claim at this belated stage. The petitioner should have approached the authorities, by filing representation, which too he did not do.*

5. *This order refusing to entertain petitioner's claim will not come in the way of the authorities considering his claim.*

6. *This application stands disposed of.”*

Perusal of paragraph 5 of the aforesaid order shows that the petitioner was not precluded from making a representation. In such eventuality, it was clarified by the learned Single Judge that the order refusing to entertain the petitioner's claim would not stand in his way. It appears that the petitioner has not filed any representation thereafter.

In the interest of justice, we allow the appellant to file a representation within two weeks from today. In case he does so, the concerned authority shall consider the same and pass appropriate orders at the earliest, in any case not later than eight weeks.

The Letters Patent Appeal stands disposed of on the aforesaid terms.



Interlocutory Application(s), if any, stands disposed
of.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Anjani/-

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