

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1936 of 2023

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Dinesh Kumar Son of Shri Asharfi Baitha, a Permanent Resident of Village-
Mohanpur, P.S.-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. Principal Secretary, Department of General Administration, Bihar, Old Secretariat, Patna.
3. Additional Secretary, Department of General Administration, Bihar, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajni Kant Jha, Advocate
For the State : Mr.Dhurendra Kumar, AC to GP5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner is aggrieved by the fact that his
claim for promotion as Special Secretary has been kept pending.

3. A counter affidavit has been filed by respondent
no.3, wherein, reliance is placed on an order issued by the
General Administration Department dated 11.04.2019
(Annexure B to the counter affidavit) based on which it is stated
that the Departmental Promotion Committee (for brevity
'D.P.C') cannot be convened in view of the said departmental
decision.



4. The petitioner's representation dated 30.01.2020 as contained in Annexure 1, is pending consideration, and when the department proceeds to conduct the D.P.C then only the petitioner's claim can be considered.

5. Perusal of Annexure B to the counter affidavit shows that the decision of the General Administration Department is founded on certain decisions passed by this Court as well as the decision of the Hon'ble Apex Court.

6. The petitioner's counsel, therefore, submits that the moment, the authorities decide to hold D.P.C., his case should be considered.

7. Since there is no dispute on this ground based on the stand of the State in paragraph 23 of the counter affidavit which reads as follows:

'23. That the statements made by the petitioner in para 9 of the Writ Application are not correct. The ground reality is that the representation dated 30.01.2020 of the petitioner has already been considered but in the light of order Memo No. 5066 dated 15.04.2019, by which it has been decided to not convene the meeting of the Departmental Promotion Committee, no action regarding promotion of employees of the State is not being taken now. The Annexure-B of this counter affidavit is self-speaking and evident to show the circumstances for which the meeting of Departmental Promotion Committee is not being held.'



8. The application need not be kept pending. It is needless to say that when the D.P.C is conducted, the petitioner’s claim will be considered.

9. The writ application is disposed of.

(Madhuresh Prasad, J)

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