

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16506 of 2013

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Basuki Nath Rajhans Son Of Laxmi Narayan Rajhans Resident Of Mohalla-
New Babupara, Dumka, P.S. District- Dumka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Mines, Government Of Bihar, Patna
3. The Director, Department Of Mines, Government Of Bihar, Patna
4. The Deputy Director, Mines, Saran Anchal, Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.
For the Respondent/s : Mr.Vishwa Mohan Kumar Sinha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 10-01-2023 Heard the parties.

Admittedly, the person junior to the petitioner has not been impleaded as party in the writ petition whereas the petitioner claims over and above on the post of Superintendent.

In view of the judgment passed by the Supreme Court in the case of **State of Rajasthan Vrs. Ucchab Lal Chhanwal** reported in **(2014) 1 SCC 144** the writ petition would not lie for making promotion without impleading the concerned person as party to the petition. However, this Court finds that the promotion awarded is with effect from 01.04.1984 and lot of time has passed, no purpose will be served in granting liberty to the petitioner to now implead the concerned person as party to



the petition.

A counter affidavit has also been filed on behalf of the State which reflects that there was a criminal prosecution initiated against the petitioner since 1978 which continued up to 03.09.2003. In view thereof, it can not be said that the respondents committed any error in not promoting the petitioner during the period when the criminal case was pending against the petitioner.

The writ petition is misconceived and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 37

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