

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25372 of 2013

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Md. Asfandiyar Khan Son Of Late Samsuddin Khan Resident Of Village P.O. Bantara, P.S. Deokund, District Aurangabad, At Present Residing At Mohalla Azad Colony Aliganj, P.S. Civil Lines Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Principle Secretary, Commercial Tax Department, Bihar Patna
3. The Joint Commissioner Commercial Administration Commercial Tax, Magadh Division, Gaya
4. The Deputy Commissioner Commercial Tax, Gaya Circle, Gaya
5. Mr. Mehendi Imam Son Of Not Known Posted As Head Clerk Commercial Tax, Gaya, Circle Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
For the Respondent/s : Mr.Lalit Kishor, PAAG

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-07-2023 The present petition has been filed seeking the following relief :-

“(i) For issuance of writ/ writs in the nature of mandamus for a direction to the respondent authorities to reforms/ correct the gradation list of the clerk of Gaya Division, Commercial Tax department in which name of the petitioner has been shown at serial no. 202 who passed the departmental account examination vide letter dated 27.08.1990 (First Paper) and 20.11.1982 (Second Paper) but the employees who did not pass the examination with two years have been shown



at serial no. 121, 189, 192 and 199 though as per departmental circular an employee who will not pass examination within two years will be junior in the gradation list from his junior who passed the examination within two years and to direct the respondent authorities to promote the petitioner on the post of head clerk as regular promotion because after lapse of service for more than 35 years, no promotion has been granted and the respondent no. 5, who passed the examination in 1990 has been promoted to the post of head clerk on the basis of gradation list, which has not been corrected only on the ground of date of appointment.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Commissioner-cum-Principal Secretary, Commercial Tax Department, Bihar, Patna i.e. the respondent no. 2 for redressal of his subsisting grievances. Liberty so sought, is granted.

It is needless to state that in case, the petitioner approaches the respondent no. 2, by filing appropriate petition, within a period of four weeks from today, the same shall be considered in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, within a period of eight weeks, thereafter.



The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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