

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.464 of 2019

In

Civil Writ Jurisdiction Case No.12053 of 2014

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Upendra Poddar S/o Shri Kanak Lal Poddar resident of Ward No.14, Hakpara,
P.S. and District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Divisional Commissioner-cum-Chairman Koshi Command Area Development Agency, Saharsa
3. The Managing Director, Koshi Command Area Development Agency, Saharsa
4. The Secretary, Koshi Command Area Development Agency, Saharsa
5. The Irrigation Commissioner, Water Resources Bihar, Patna
6. Anil Kumar Nath S/o Indra Deep Nath Typist Koshi Command Area Development Agency, Saharsa
7. Sachchidanand Singh S/o Shashi Nath Singh Typist Koshi Command Area Development Agency, Saharsa, P.S. and District-Saharsa

... .. Respondent/s

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Appearance :

For the Appellant/s

: Mr. Alok Kumar, Adv.

Mr. Amarnath Jha, Adv.

For the Water Resources Department

: Mr. Anjani Kumar, AAG-4

Mr. Sanjay Prasad, AC to AAG -4

Mr. Utkarsh Bhushan, Adv.

For the KCADA

: Mr. Satish Chandra Jha, Adv.

For the WALMI

: Mr. Harshvardhan Shiv Sundram, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE HARISH KUMAR



ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 28-03-2023

Heard Mr. Alok Kumar for the appellant, Mr. Anjani Kumar for the Water Resources Department, Mr. Harshvardhan Shiv Sundram for the Water and Land Management Institute (WALMI), Patna and Mr. Satish Chandra Jha for the Koshi Command Area Development Agency (KCADA).

2. The appellant had questioned the promotion of respondent Nos. 6 and 7 to the post of P.A. even though they were junior to him.

3. The claim of the appellant was rejected on the ground that though the appellant had passed the P.A. Examination conducted by the B.P.S.C. before respondent Nos. 6 and 7, but he was initially appointed on the post of Steno-cum-Typist in Small Farmers Development Agency, which was an agency of Koshi Command Area Development Agency (*in short the KCADA*) in the pay-scale of Rs. 220-315, but the Small



Farmers Development Agency later came under the administrative control of the District Rural Development Agency (DRDA), *i.e.*, the Government of Bihar and joined KCADA only on 30.06.1984, whereas the respondent Nos. 6 and 7 had been working in KCADA from before the induction of the appellant.

4. Apart from this, the learned Single Judge has taken note of the fact that in the year 1984, the appellant was provisionally promoted to the post of P.A. awaiting the sanction of the Board of Governors, which sanction was refused and, thereafter, the appellant had to be reverted to the post of Steno-cum-Typist in the year 2000.

5. Such reversal order was never challenged by the appellant.

6. Mr. Satish Chandra Jha, the learned Advocate for the KCADA has informed that there are only two sanctioned and approved posts of P.A., on which respondent Nos. 6 and 7, who had been working



in KCADA from before the appellant, had been promoted, there would be no question of challenging the promotion of respondent Nos. 6 and 7 on the post of P.A.

7. It may also be noted that the appellant has retired in the year 2015.

8. We find no good reason to interfere with the order passed by the learned Single Judge.

9. The appeal is, accordingly, dismissed.

(Ashutosh Kumar, J)

(Harish Kumar, J)

Anjani/Praveen

AFR/NAFR	NAFR
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