

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 22412 of 2011

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Bhupendra Kumar Sharma, Son of late Kamaldeo Sharma, Resident of
Village – Nayi Basti, Mahadewa, Police Station – Siwan, District - Siwan

... .. Petitioner/s

Versus

- 1 The State of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna
- 2 Nagar Parishad, Siwan through its Executive Officer
- 3 The Executive Officer, Nagar Parishad, Siwan
- 4 Sri Rameshwar Nath Pathak, Senior Grade Assistant, Nagar Parishad, Siwan

... .. Respondent/s

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For the Petitioner/s	:	Mr Gajendra Prasad Singh, Advocate
For the S t a t e	:	Mr Anuj Kumar, AC to SC XII
For Nagar Parishad	:	Mr Ravi Bhushan Verma, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

7 **23-02-2023** Heard learned counsel for the petitioner and the respondents.

Writ petition has been filed for the following relief :

“(i) Issuance of appropriate writ for quashing the decision of the Nagar Parishad, Siwan by which Respondent No 4 has been granted promotion in Senior Grade Assistant ignoring the claim of the petitioner who is senior to Respondent No 4.

(ii) Issuance of appropriate writ in the nature of mandamus commanding/directing the respondents to grant the promotion to the petitioner in Senior Grade Assistant as well as ACP with effect from due.

(iii)

After considering the counter affidavit filed on behalf of Respondent-Nagar Parishad, Siwan, admittedly, the limited issue raised by the petitioner is grant of benefit of Assured Career Progression.



The same has been denied by the respondents in a counter affidavit filed long back, in the year 2014. the learned counsel for the petitioners submits that the stand is not with reference to any recent decision/consideration.

Therefore, to facilitate consideration in this regard, as prayed, this writ petition is disposed of with liberty to the petitioner to submit a claim afresh for the benefits before the Respondent-Nagar Parishad.

Needless to say, the Nagar Parishad is under legal obligation to pass order on the same having regard to the extant notifications/circulars/orders in this regard.

If the petitioner makes a representation within four weeks from today, the Respondent-Nagar Parshad should dispose of the same within three months thereafter.

(Madhuresh Prasad, J)

M.E.H./-

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