

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13 of 2023

-
-
1. Girish Jha son of Late Raghunath Jha, Resident of Mohalla-Gauri Shankar Colony, Gaighat, Police Station-Alamganj, Town and District-Patna.
 2. Tej Narayan Sharma, son of Late Ram Lakhan Sharma, Resident of Kantahi Ghar, Gaighat, Police Station-Alamganj, Town and District-Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Industries, Government of Bihar, Patna.
4. The Director, Directorate of Industries, Department of Industries, Government of Bihar, Patna.
5. The Director, Upendra Maharathi Silp Anusandhan Sansthan, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Shiv Kumar, Advocate
For the Respondent/s : Mr.Ravish Chandra, AC to Sc-6

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2023 Mr. Shiv Kumar, learned counsel for the petitioners

seeks permission to remove the defects in course of the day.

Permission is granted.

Heard learned counsel for the petitioners and learned
counsel for the State.

This writ application has been filed seeking a writ in
the nature of a writ of mandamus directing the respondent
authorities to consider the case of the petitioner for promotion to
the post of *Bariye Silpi/Anudeshak/Bariye Anudeshak* and
thereafter to the post of *Rupankak/Anudeshak (Kasth)* in the



light of the Letter No. 1716 dated 01.03.2005 issued by the Industry Director, Directorate of Industry, Government of Bihar, Patna from due date with all consequential benefits or alternatively the concerned respondent authorities may be directed to give the benefit of promotional post wise scale to the petitioners in ACP/MACP given to them in light of the Notification No. 4685 dated 25.06.2003 issued by the Finance Department, Bihar.

Learned counsel for the petitioners submits that petitioner no. 1 was appointed to the post of *Kushal Silpi* on 23.08.1977 whereas petitioner no. 2 was also appointed on the same post on 13.04.1982 in the *Upendra Maharathi Silp Anusandhan Sansthan*, Patna. It is, therefore, submitted that despite continuously working on the post, they were not given any promotion.

Learned counsel admits at this stage that petitioner no. 2 has retired in April, 2020 whereas petitioner no. 1 had retired in July, 2018.

Learned counsel for the petitioners submits that petitioners were making several applications before the concerned authorities for redressal of their grievance and in this connection, learned counsel refers Annexure '2' and '3' to the



writ application which are dated 03.12.2018 and 25.09.2019 respectively. On perusal of the Annexure '2' itself it appears that such representation was filed after retirement from service.

Petitioner no. 1 has signed Annexure '2'. So far as petitioner no. 2 is concerned, there is no representation on his behalf, therefore the statement made in the writ application that they had been agitating their case for promotion prior to their retirement are not borne out from the records. Moreover, this writ application has been filed much after the retirement dates. There is nothing on the record to show that on being eligible to be promoted they had been raising their grievance.

In the given circumstance, this Court is of the considered opinion that the discretionary jurisdiction of this Court under Article 226 of the Constitution of India need not be exercised in the facts and circumstances of this case.

The Writ Application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

