

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6121 of 2023

=====

Javed Ashraf Son of Late Md. Abdul Halim Ansari, Resident of Haroon Nagar Colony, Sector-2, P.O. and P.S.- Phulwarisharif, District- Patna, Bihar- 801505.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Bihar, Patna.
2. The Deputy Secretary, Rural Works Department, Bihar, Patna.
3. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad, Advocate Mr. Vishesh Kumar Singh, Advocate
For the State	:	Mr. Ajay, GA-5 Mr. Prateek Kumar Sinha, AC to GA-5
For the A.G.	:	Mr. Binod Kumar Labh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-12-2024 Heard Mr. Raj Nandan Prasad, learned counsel along with Mr. Vishesh Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Ajay, learned GA-5 along with Mr. Prateek Kumar Sinha, learned AC to learned GA-5 appearing on behalf of the State and Mr. Binod Kumar Labh, learned counsel for the Accountant General, Bihar.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:

"i. For issuance of order /directions or writ in the nature of certiorari to quash the entire departmental proceeding as it proceeded in violation of Rule 17(3) of Bihar C.C.A Rules, 2005

ii. For issuance of the order /directions or writ of



mandamus to grant promotions to the petitioner even junior in the gradation list were granted promotion.

iii. For issuance of order /directions or writ of mandamus to grant 3rd A.C.P. which was due since 20.06.2017 and even benefit of M.A.C.P. not granted.

iv. For issuance of order /directions or writ in the nature of certiorari to quash the entire departmental proceeding which was converted into proceeding under Rule 43(b) of Bihar Pension Rules, 1950 after two months of superannuation.

v. For declaring and holding that the actions of the respondent authorities are mala fide, arbitrary, without jurisdiction as well as abuse of power and authority.

vi. To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case."

3. Learned counsel appearing on behalf of the petitioner informs that vide Memo No. 2427 dated 09.09.2024, the Disciplinary Authority has already dropped the Departmental Proceeding initiated against the petitioner. The petitioner is entitled for being considered for promotion in next Departmental Promotion Committee meeting from the retrospective date of his eligibility as the petitioner has already superannuated 28.02.2022. In want of any Departmental Proceeding pending against the petitioner, the petitioner's case must be considered in light of law laid down by the Apex Court for granting him due promotion to which the petitioner is entitled for.

4. Mr. Prateek Kumar Sinha, learned counsel appearing on behalf of the State submitted that the petitioner's promotion will be considered after the final outcome of the Government Appeal No. 10 of 2019, which information is



contained in Memo No. 2427 dated 09.09.2024.

5. It goes without saying that the petitioner, as a consequence of order dated 09.09.2024 contained in Memo No. 2427, becomes entitled for all consequential benefits including due promotion, in accordance with law.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

