

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7031 of 2023

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Chandra Nath Chandan Son of Late Prem Nath Thakur, Resident of Kali Mela Road, Ward No. 01, P.S. Forbesganj, Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar.
2. The Special Secretary, Urban Development and Housing Department, Government of Bihar.
3. The Executive Officer, Nagar Parishad, Forbesganj, District- Araria.
4. The Chairman, Empowered Standing Committee, Nagar Parishad, Forbesganj, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.Kinkar Kumar (Sc9)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 22-01-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this an application filed on behalf of petitioner praying to issue a writ of mandamus or any other writ / writs, order / orders, direction/ directions, upon the respondent authorities to consider the petitioner for promotion on the post of Head Clerk-cum-Accountant in the Nagar Parishad, Forbesganj, on account of the post became vacant on 31.12.2018 after the retirement of one Ganga Prasad Das and thereafter on 01.01.2019 petitioner was made incharge Head Clerk-cum-Accountant, after being found



eligible, efficient and senior most employee.”

2. The only issue, raised by the petitioner, in the present writ petition is that the case of the petitioner for promotion on the post of Head Clerk-cum-Accountant is not being considered by the Empowered Standing Committee on the pretext that an enquiry is pending against the petitioner, however, it is submitted that the actual fact is that no inquiry is pending at the moment, inasmuch as the petitioner has stood exonerated from an enquiry, which had been initiated earlier.

3. The aforesaid stand taken by the learned counsel for the petitioner is also supported by the learned counsel appearing for the State Government as also for the respondent no.3 and he submits that at the moment no inquiry is pending qua the petitioner herein, hence his case is ripe for being considered for promotion on the post of Head Clerk-cum-Accountant.

4. At this juncture, the learned counsel appearing for the respondent no.4 submits that if that be the case, the case of the petitioner for promotion to the post of Head Clerk-cum-Accountant shall be considered forthwith. It is directed accordingly.

5. It is needless to state that the case of the petitioner



for promotion to the post of Head Clerk-cum-Accountant shall be considered by the Empowered Standing Committee, Nagar Parishad, Forbesganj, District-Araria, within a period of three weeks from today and appropriate orders shall be passed, accordingly, within the same time frame.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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