

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15245 of 2021

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Anup Prasad Rajak S/O Palat Prasad Rajak Resident of Village and P.O. -
Marar, P.S. - Morakahi, Distt- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Road Construction Department, Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Bihar, Patna.
4. The Engineer in Chief - Cum Special Secretary, Road Construction Department, Government of Bihar, Patna.
5. The Deputy Secretary, Road Construction Department, Government of Bihar, Patna.
6. Bihar Public Service Commission, Bailey Road, Patna through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2024 The present writ petition has been filed seeking the following reliefs:-

“1(a). In the nature of certiorari for quashing of the letter bearing memo no. 1/Mu-29/2011-5259(S), dated 16.6.2017 (Annexure-15), issued under the signature of Deputy Secretary, Road Construction Department, Govt. of Bihar, by which the representation filed by the petitioner for considering the case of the petitioner for notional promotion on the post of Chief Engineer w.e.f. 08/07/2001, in pursuance to the order dated 27/10/2011, passed in CWJC



No.: 17460/2011, has been rejected.

(b). In the nature of certiorari for quashing of the letter bearing Memo No.: 1/establishment/42/2005-10152(S), dated 30/07/2008, as contained in Annexure-7 to this application by which the petitioner was deprived from giving the benefits of promotion on the post of Chief Engineer, Road Construction Department and as the juniors to the petitioner have been granted the said promotion.

(c). In the nature of mandamus for directing and commanding the respondents to give the petitioner notional promotion under the regular establishment of Road Construction Department on the post of Chief Engineer with effect from 08/07/2001 in pursuance to the recommendation made by the departmental promotion committee dated 16/04/2008 as contained in Annexure-4 to this writ application and /or at least from the dates junior to the petitioner had been appointed and given with all legal, consequential and financial benefits flowing from such promotion on the said post and accordingly pay the arrears as well as arrears of financial benefits accrue due to revision of all the retiral benefits flowing from the said post with 15% compound interest and cost forthwith and/or pass such other order or orders as may deem fit and proper in the facts



and circumstances of this case.”

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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