

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17473 of 2021

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Mithilesh Kumar Jha Son of Late Lal Chandra Jha, Resident of Village-Samar, P.S.-Nanpur, Dist-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Bihar, Patna.
3. The Director, Panchayati Raj Department, Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The Zila Parishad, Sitamarhi through its Chairman.
6. The Chairman, Zila Parishad, Sitamarhi.
7. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Sitamarhi.
8. Keshar Prasad Singh, son of not known, presently officiating as Head Clerk-cum-Accountant, Zila Parishad, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwari, Adv. Mr.Shailendra Singh, Adv.
For the State	:	Mr.Kameshwar Pd. Gupta, GP-10 Ms.Deepanjali Gupta, AC to GP-10
For the Zila Parishad	:	Mr.Ranjeet Kr. Pandey, Adv.
For the Respondent	:	Mr.Lalan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.i. To hold and declare that Memo No. 489 dated 26.08.2020 (Annexure-6) issued by DDC-cum-CEO, Zila Parishad, Sitamarhi, whereby one Keshar Prasad Singh, an Assistant in the office of Zila Parishad, Sitamarhi has been ordered to work as Head Clerk-cum-Accountant in Zila Parishad, Sitamarhi in anticipation of its



approval from Establishment Committee of the aforesaid Zila Parishad by giving reference to Memo No.1037 dated 02.05.1973 (Annexure- 7) issued by the Department of Planning and Development, Government of Bihar, Patna, is in complete violation of the letter and spirit of the Memo No.1037 dated 02.05.1973 (Annexure-7) which specifically mandates to give preference to the seniority as well as merits in such promotion and secondly it is not in consonance with a Memo. 3142 dated 10.07.2007 (Annexure-8) issued by the Department of Panchayati Raj, Government of Bihar, Patna, hence the Memo NO.489 dated 26.08.2020 is required to be set aside by this Hon'ble Court.

ii. To hold and declare that even in the light of Memo No.1037 dated 02.05.1973 (Annexure-7) and also in view of Memo No.3142 dated 10.07.2007 (Annexure-8), petitioner is entitled for being posted/promoted as a Head Clerk-cum-Accountant in the office of Zila Parishad, Sitamarhi as the petitioner being the senior most amongst the cadre of accountant in the officer of Zila Parishad, Sitamarhi as well as no any adverse remark has been made against his entire career, also because, never any departmental proceeding initiated nor any punishment was passed against the petitioner for any reason including dereliction of duties rather considering his competency, punctuality and seniority, the



petitioner was promoted to Accountant-cum-Head Clerk in District Engineer's Office of Zila Parishad, Sitamarhi vide Memo No.220(A) dated 25.11.2009 (Annexure-1) issued by the DDC-cum-CEO, Zila Parishad, Sitamarhi.

iii. For issuance of order/direction or a writ in the nature of Certiorari for quashing the Memo No.489 dated 26.08.2020 (Annexure-6) issued by DDC-cum-CEO, Zila Parishad, Sitamarhi has been ordered to work as Head Clerk-cum-Accountant in Zila Parishad, Sitamarhi.

iv. For issuance of an order/direction or a writ in the nature of Mandamus commanding the respondents concerned to issue necessary orders for posting/promoting/assigning the work to the petitioner in the capacity of Head Clerk-cum-Accountant in the office of Zila Parishad, Sitamarhi, since the petitioner is seniormost, eligible person for the post in hand and presently officiating as Accountant-cum-Head Clerk in District Engineer's Office, Zila Parishad, Sitamarhi since 2009 whereas much junior to the petitioner having lessor experience of accounts, one Keshar Prasad Singh (Respondent No.8) an Assistant in the office of Zila Parishad, Sitamarhi prejudicially and illegitimately."

2. At the outset, the learned counsel for the parties jointly submit that since the petitioner has superannuated on



31.05.2022, the present writ petition has been rendered infructuous, hence the same be disposed off.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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