
(2005) 10 PAT CK 0009
In the Patna High Court
Case No : CWJC No. 10390 of 1994

Anant Prasad Yadav

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 05-10-2005

Acts Referred:

Citation : (2006) 1 PLJR 108

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Hirdaya Prasad Singh, for the Appellant; Ranjit Sinha, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties. Substantially, the petitioner seeks direction upon the respondents to promote him to the rank of Head Assistant from the post of Head Clerk.

2. It is submitted by Mr. H.P. Singh, learned counsel for the petitioner that even though a joint gradation list was prepared of all the ministerial staff including the Head Clerks and Head Assistant in the light of the judgment passed by this Court in C.W.J.C. No. 3940 of 1981. The petitioner's case is not being considered according to the gradation list for promotion to the post of Head Assistant, though his juniors have already been considered and promoted. It is further submitted that the representation filed by him for grant of relief aforesaid has not properly been dealt with, though this Court in C.W.J.C. No. 2500 of 1991 had categorically directed the respondents to consider and dispose of his representation with open mind and with reasoned order.

3. Learned counsel appearing on behalf of the State, on the other hand, submitted that the representation filed by the petitioner was considered and the same was disposed of, vide order as contained in annexure-6 dated 29.12.1992 and, therefore, the petitioner's case is not required to be examined again and again for the same-self relief."

4. From annexure-6 it is not discernible as to whether the representation of the petitioner for grant of promotion to the post of Head Assistant was considered, rather it appears that his case was examined pursuant to the gradation list prepared by the authorities according to the direction of this Court issued in C.W.J.C. No. 3940 of 1981. At the same time, it also appears from annexure-6 that it is not a speaking order and it does not deal with the case of the petitioner for grant of promotion to the post of Head Assistant.

5. Confronted with this situation, learned counsel for the petitioner could not candidly justify his stand that his representation was filed for his promotion to the post of Head Assistant, nor he produced his representation so filed before the authorities.

6. In this view of the matter, in my opinion, no positive direction can be issued to the respondents.

7. However, it would be advisable for the petitioner to file a fresh representation confining his prayer for promotion to the post of Head Assistant. In case any representation is filed by the petitioner, the same would be considered and disposed of by speaking order by the concerned respondents within a period of three months from the date of filing of the representation. With this direction/observation, this writ application is disposed of.