
(2004) 01 JH CK 0013
In the Jharkhand High Court
Case No : Writ Petition (S) 5566 of 2001

Jawahar Prasad

APPELLANT

Vs

State of Jharkhand/Bihar and Others

RESPONDENT

Date of Decision : 06-01-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 1 JCR 417

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : Om Prakash, for the Appellant; S.C., III, for the Respondent

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—The petitioner, Circle Inspector-cum-Kanungo, has prayed for direction to the respondents to promote him to the post of Assistant Settlement Officer and has further prayed to quash the notification dated 9.10.2000, as contained in Annexure 2 to the writ petition whereby the Circle Inspectors-cum-Kanungos were promoted to the post of Assistant Settlement Officer (Revenue).

2. The ground for challenge of Annexure-2 i.e., notification dated 9.10.2000, is that some of the persons, who have been promoted, were juniors to the petitioner but the case of the petitioner for promotion has not been illegally considered on the ground that vigilance case is pending against him since last 17 years.

3. From the averments made in the writ petition it appears that only a vague statement has been made by the petitioner that some persons junior to him have been promoted vide, notification dated 9.10.2000, as contained in Annexure-2. The petitioner has not even made those junior persons who, according to him, were promoted, as party respondents in this writ petition. Therefore, the prayer of the petitioner for quashing of Annexure-2 i.e., notification dated 9.10.2000,

promoting 32 persons from the post of Circle Inspectors-cum-Kanungo to the post of Assistant Settlement Officer cannot be entertained.

4. So far as the second prayer of the petitioner that only because a criminal case being Vigilance case No. 09/1984 is pending against him and therefore, he cannot be denied the promotion is concerned. It is relevant to mention some facts stated in the counter affidavit filed by the respondents wherein it has specifically been stated that the petitioner was disqualified from promotion on the basis of vigilance case pending against him in view of the resolution of the Government dated 12.3.1979, as contained in Annexure-D to the counter affidavit. It is further stated that after considering the recommendation of the promotion committee, a meeting was held under the Chairmanship of the Members of the Board of Revenue on the basis of the report of Cabinet vigilance, the petitioner was found disqualified for being promoted and accordingly he was not recommended for promotion.

5. Considering the rival contention of the parties, I am of the view that no case at all has been made out by the petitioner for any interference by this Court. Accordingly this writ petition is dismissed.