
(2012) 04 JH CK 0156

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3128 of 2011

Jitendra Prasad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0156

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Advocate : Manoj Tandon, for the Appellant; J.C. to SC-I For the State, for the Respondent

Judgement

D.N. Patel, J.—Learned counsel for the petitioner submitted that previously a writ petition bearing W.P.(S) No. 3928 of 2008 was instituted by the petitioner as well as by one another persons and while disposing of the said writ petition, it has been observed by this Court vide judgment dated 3rd February, 2009 that the case of the petitioners will be considered for promotion to the posts of Sub Inspector of Excise, after giving relaxation in the upper age limit. It is further submitted by the learned counsel for the petitioner that thereafter, the respondents have passed an order on 14th August, 2009 to the effect that at present there is no vacancy of the post of Sub Inspector of Excise and, therefore, in future, as and when the vacancy will be available, the case of the petitioner will be considered. It is further submitted by the learned counsel for the petitioner that now as per paragraph no. 10 of the counter affidavit, filed by the respondent-State itself, there is a vacancy for the unreserved quota for the promotional post and, therefore, as there is vacancy for unreserved quota and since the petitioner is a candidate of general category, his case may now be considered for promotion on the post of Sub Inspector of Excise, keeping in mind the age relaxation, already granted by this Court vide judgment dated 3rd February, 2009 in W.P.(S) No. 3928 of 2008, in accordance with law, within the stipulated time, to be given by this Court and thus, let a direction be given to

respondent no. 2 to consider the case of the present petitioner for promotion to the post of Sub Inspector of Excise, within the stipulated time. Learned counsel for the respondents has submitted that they have no much objection, if a direction is issued to the respondent-State, particularly respondent no. 2, to consider the case of the present petitioner for promotion to the post of Sub Inspector of Excise, in accordance with law, keeping in mind the vacancies, as stated in paragraph no. 10 of the counter affidavit, filed by respondents in this writ petition, within the stipulated time, as given by this Court.

2. Learned counsel for respondent no. 5 has no objection if a direction is given to respondent no. 2 to consider the case of the petitioner for promotion and it is submitted that he has nothing much to argue, because the petitioner is not challenging, at this stage, the promotion of respondent no. 5.

3. In view of the aforesaid limited submissions and looking to paragraph no. 10 of the counter affidavit, filed by the respondent-State in this writ petition, it appears that there is a vacancy for the post of Sub Inspector of Excise for unreserved quota and the petitioner belongs to general category candidate. Looking to the earlier decision, rendered by this Court in W.P.(S) No. 3928 of 2008 dated 3rd February, 2009, the respondents were directed to consider the case of the petitioner for promotion to the post of Sub Inspector of Excise after giving relaxation in the upper age limit and the respondents have passed an order on 14th August, 2009, which is at Annexure 9 to the memo of petition, to the effect that since there is no vacancy of the post of Sub Inspector of Excise, the case of the petitioner will be considered in future.

4. I, therefore, direct respondent no. 2 or such other authorized officer, who is competent enough, to decide the case of the petitioner for promotion to the post of Sub Inspector of Excise, keeping in mind that age relaxation has already been granted by this Court vide order dated 3rd February, 2009 in W.P.(S) No. 3928 of 2008 and also keeping in mind the fact that there is already vacancy for the promotional post, as per paragraph no. 10 of the counter affidavit, filed by the respondent-State in this writ petition, in accordance with law, rules, regulations, policies and enforceable government orders, applicable to the petitioner, after giving an adequate opportunity of being heard to the petitioner or to his representative, within a period of four weeks from the date of receipt of a copy of the order of this Court.

5. If the decision is taken in favour of the present petitioner, the same will be implemented within a further period of two weeks thereafter and if the decision is taken against the petitioner, it will be followed by a detailed reasoned order. This writ petition stands disposed of, in view of the aforesaid directions.