

(2005) 09 PAT CK 0049
In the Patna High Court
Case No : C.W.J.C. No. 13305 of 2003

Mahendra Prasad Sinha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 16-09-2005

Acts Referred:

Citation : (2005) 09 PAT CK 0049

Final Decision : Allowed

Judgement

Radha Mohan Prasad, J.—In this writ petition, the petitioner is aggrieved by the order contained in Annexure-1, whereby and whereunder promotion granted to him as Research Assistant has been cancelled on the ground that it was not in accordance with law.

2. Admittedly, the said promotion was granted long back vide order contained in letter No. 4404 dated 16.12.1983.

3. Learned counsel for the petitioner has submitted that in exactly similar case, this Court considering the period of service rendered on the prompted post for long time allowed the writ petition and quashed the similar order in view of the ratio laid down by this Court in the case of G.B. Lal v. State of Bihar and Ors., CWJC No. 1662 of 1997 (R), as well as by the Apex Court in the case of Narender Chadha and Others Vs. Union of India and Others, , vide order dated 11.5.2004 passed in CWJC No. 1/1309 of 2003 (Annexure 3). He also referred to another order passed in the case of Ramakant Prasad Vs. State of Bihar and Others, .

4. Learned counsel for the State has submitted that it is true that the ratio decided in the said cases exactly covers the case of the petitioner also but the State has preferred LPA No. 914 of 2005 against the order passed in similar case in the case of Md. Jiyauddin v. The State of Bihar, CWJC No. 14123 of 2003, disposed of on 9.11.2003 which (LPA) is still pending.

5. In that view of the matter, this writ petition is also allowed and the order, contained in Annexure-1, is quashed subject, to final outcome of the said LPA

No. 914 of 2005.