
(2014) 01 PAT CK 0130
In the Patna High Court
Case No : CWJC No. 19099 of 2012

Rabindra Nath Mishra

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 16-01-2014

Acts Referred:

Citation : (2015) 2 PLJR 320

Hon'ble Judges : Chakradhari Sharan Singh, J.

Bench : Single Bench

Advocate : N. Ganguli, for the Appellant; Rajesh Kumar, for the Respondent

Final Decision : Disposed off

Judgement

Chakradhari Sharan Singh, J.?The petitioner seeks a direction from this Court to the Respondents to promote him to the post of Development Officer from the post of Branch Manager, Central Co-operative Bank Ltd., Aurangabad. It is the case of the petitioner that he is holding the post of Development Officer, which is the promotional post, on ad hoc basis since 16.3.2010 and said post had been lying vacant since long. His grievance is that though he possesses the eligibility condition for promotion to the said post but his promotion is not being considered, without any valid reason.

2. He has drawn my attention to Annexure-6 which is decision of the Board of Directors of the Bank whereby the claim of promotion of the petitioner and other claims of the employees under Bank have been rejected by one stroke of pen. According to him, his case was required to be considered by a promotion committee which has already been constituted with the approval of Registrar, Co-operative Societies, Government of Bihar.

3. A counter affidavit has been filed on behalf Respondents No. 3 and 4. Paragraph No. 5 of which reads as follows:--

"That it is humbly stated and submitted here that the statement as made in

paragraphs No. 2, 4, 5, 6, 7, 8, 9 of the writ application are matter of record needs no specific comment by the deponent. So far the statement as made in paragraph No. 10 of the writ application is concerned in this regard it is stated here that the promotion will be made after screening by the Promotion Committee constituted by the approval of the Co-operative Registrar, but due to new system which has to come no promotion committee has been constituted as yet."

4. This Court in exercise of writ jurisdiction would normally not issue a direction to Respondents to promote the petitioner to higher post. There is no right vested in an employee to be promoted to a particular post unless there is grievance of violation of Articles 14 and 16 to the effect that persons similarly situated or junior to him have been promoted ignoring his case. An employee person however, may have right to be considered to such promotion.

5. In view of the statement made in the counter affidavit that the petitioner's promotion can be considered after scrutiny by the promotion committee, I am disposing of this application with a direction to the Board of Directors of the Central Co-operative Bank, Aurangabad to ensure that the petitioner's case is considered for promotion in accordance with law and Rules framed in this behalf.

6. This application is disposed of accordingly. If it is expected that such exercise is at least started within a period of six months from the date of receipt/production of a copy of this order.