
(2005) 09 PAT CK 0028
In the Patna High Court
Case No : CWJC No. 8693 of 1992

Shiv Kumar Prasad Verma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-09-2005

Acts Referred:

Citation : (2005) 4 PLJR 390

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : R.N. Mukhopadhaya, for the Appellant; S.N. Pathak and Rajesh Kumar Choudhary, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties. The grievance of the writ petitioner is that though the Bihar Public Service Commission (hereinafter to be referred to as "Commission") recommended the case of the petitioner alongwith others vide orders, as contained in annexures 10 and 11, for promotion to the posts of Assistant Engineer in the year 1989, but final decision has not yet been taken by the State Government upon the said recommendations.

2. Learned counsel for the petitioner submitted that some of the juniors to the petitioners were also recommended by the Commission along with him and they were considered and necessary promotions were granted to them, but no satisfactory explanation has been given in the counter affidavit as to how the case of the petitioner was kept pending even though sufficient number of posts were lying vacant.

3. This Court noticing the grievance of the petitioner vis-a-vis the stand of the State vide order dated 5.8.1993 observed that pendency of this application will not be an impediment in the way of the State Government in taking final decision upon the aforesaid recommendation of the Bihar Public Service Commission.

4. Neither party is in a position to inform this Court as to whether during the pendency of this application final decision was taken by the State Government,

so far the petitioner is concerned, on the basis of the recommendations made by the Commission, as referred to above.

5. According to the stand of the State, in the counter affidavit, it appears that number of posts were reduced, and, therefore, all persons, as recommended by the Commission, were not considered for promotion.

6. Even assuming that number of posts have been reduced, yet the State Government was duty bound to take a decision either way upon the recommendation made by the Commission. This Court keeping in view these aspects of the matter had earlier observed that pendency of this writ application will not be an impediment in the way of the State Government in taking final decision in the matter.

7. Considering the facts and circumstances of the case and in view of the observation, as referred to above, the respondent State is directed to take a final decision in the matter, so far the petitioner is concerned, on the basis of the recommendation made by the Commission within a period of three months from the date of receipt/production of a copy of this order if the final decision has not been taken in the matter on the basis of the recommendation made by the Commission, as contained in annexures 10 and 11. With the direction/observation aforesaid, this application is disposed of.