

(2010) 10 PAT CK 0004
In the Patna High Court
Case No : CWJC No. 4245 of 2010

Umesh Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 01-10-2010

Acts Referred:

Citation : (2012) 2 PLJR 137

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Advocate : Gopal Govind Mishra and Anil Kumar Sharma, for the Appellant; K.P. Gupta for the State and Mr. Sanjay Pandey for the B.P.S.C., for the Respondent

Judgement

Navin Sinha, J.—Heard learned counsel for the petitioner and learned counsel for the State as also for the Bihar Public Service Commission. The relief sought is to be considered for promotion on the post of Assistant Engineer from the date of due eligibility.

2. The counter affidavit of the respondents more particularly at paragraph-8 specifically states that roster clearance has been obtained and the petitioner is within the zone of consideration and his case for promotion is already in progress. Vigilance clearance is awaited where after it shall be referred to the Departmental Promotion Committee.

3. The right to be considered for promotion in time is a fundamental right as distinct from the right to promotion not being a fundamental right. Procedural delays attributable to the respondents cannot visit the petitioner with adverse consequences. Vigilance clearance is the responsibility of the respondents and not the petitioner.

4. Let the case of the petitioner be considered in accordance with law and appropriate orders, including that of promotion and/or consequential benefits, as the case may be, be passed positively within a maximum period of four months from the date of receipt/production of a copy of this order. The writ application

stands disposed.