

Umeshkant Pathak Vs. State of Bihar and ors.

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Court : Patna

Decided On : Aug-02-2006

Judge : Aftab Alam, J.

Appeal No. : Civil Writ Jurisdiction Case No. 1459 of 2005

Appellant : Umeshkant Pathak

Respondent : State of Bihar and ors.

Advocate for Def. : S.P. Verma, J.C. To G.P. V.

Advocate for Pet/Ap. : Abhay Shanker Singh and Kumar Praveen, Advs.

Disposition : Petition allowed

Judgement :

Aftab Alam, J.

1. The petitioner challenges an order issued by the Chief Engineer, Water Resources Department, Samastipur under his memo No. 6120 dated 3.12.2004. The impugned order is in a printed format in which the relevant details concerning the petitioner were filled up. By this order, the petitioner is reverted to a Class-IV post 22 years after his promotion to a Class-III post. His reversion is on the ground that the promotion was allowed irregularly.

2. The parties are in agreement that the facts of the case are fully covered by an earlier decision of this Court dated 5.1.1998 in C.W.J.C. No. 3706 of 1997 (Suresh Kumar Rajak v. The State of Bihar and Ors.). The decision of the learned Single Judge was affirmed on 14.10.1998 by a Division Bench of this Court in L.P.A.No. 330 of 1998 and the Special Leave Petition filed by the State against those orders was also dismissed by the Supreme Court by order dated 15.02.1999 in SLP No. 00613 of 1999. Following the decision in the case of Suresh Kumar Rajak, this Court allowed a number of similar other writ petitions, copies of those orders were produced before me.

3. Following a number of earlier orders passed on similar matters, this writ petition too is allowed and the impugned order contained in Annexure-10 is quashed. The petitioner will be entitled to all consequential benefits.

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