

Letters Patent Appeal No.995 OF 2000

THE STATE OF BIHAR & ORS. -----(Appellant)
Versus
SIYA SARAN KUMAR -----(Respondent)

For the Appellants : Mr. Mithilesh Mawar,
J.C. to G.P., XI.
For the Respondent : None.

P R E S E N T

THE HON'BLE MR. JUSTICE BARIN GHOSH
AND
THE HON'BLE MR. JUSTICE JAYANANDAN SINGH

J U D G M E N T

Barin Ghosh &
J.N. Singh, J.J.

In the writ petition filed by the respondent-writ petitioner, he sought for, amongst others, promotion and grant of Selection Grade Scale of Assistant Teacher. It was contended that similar grants have been made in favour of similarly situated persons as that of the respondent-writ petitioner. In the counter affidavit filed by the appellants, they accepted grant of promotion and Selection Grade Scale of Assistant Teacher to persons named by the respondent-writ petitioner, but contended that in view of the

departmental letter dated 2nd July, 1983, the seniority of the petitioner should be taken into account from the date of his joining in the transferred Division at Bhagalpur where the petitioner obtained transferred of his own accord. The learned Single Judge found that there is nothing on record which would suggest that the writ petitioner-respondent was transferred to another Division on his own request and accordingly, granted time to the appellants to bring on record evidence to establish the same. The appellants could not bring on record any evidence to suggest that the writ petitioner-respondent was transferred to another Division on his request. In the present appeal too, the appellants have not been able to bring on record anything to that effect.

In those circumstances, inasmuch as people similarly situated have been granted such promotion and scale, there was no just reason for not considering the case of grant of similar benefits to the writ petitioner-respondent, which having been directed to be granted by the Judgment and Order under appeal, there is no scope of interference. The appeal fails and

the same is dismissed.

(Barin Ghosh, J.)

(J.N. Singh, J.)

Patna High Court,
30th June, 2008,
S.B.P.

