

**(2001) 04 JH CK 0018**

**Jharkhand High Court**

**Case No:** CWJC No. 2337 of 1999 (R)

Dharam Raj Tiwari and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

**Date of Decision:** April 4, 2001

**Hon'ble Judges:** S.N. Mishra, J

**Bench:** Single Bench

**Advocate:** Anil Kumar Sinha and Saurav Arun, for the Appellant; K.K. Singh, for the Respondent

**Final Decision:** Allowed

### **Judgement**

@JUDGMENTTAG-ORDER

S.N. Mishra, J.

This writ application was heard yesterday. At the request of learned counsel appearing for the respondents, further hearing was adjourned for today. In this writ application the prayer of the petitioner is for quashing the order dated 7.7.1999, as contained in Annexure-14 to this writ application, by which, the petitioners, who are six in numbers, have been reverted from Class III to original Class IV posts. Admitted position in this case is that the petitioners were appointed some time in the year, 1975 on Class IV posts. They were promoted to Class HI posts on 8.5.1981 and 15.5.1981, as it appears from the orders, contained in Annexures 6 and 7 to this writ application. The said order of promotion was subsequently confirmed by the respondent authorities on 20th of May, 1986, as it appears from the order as contained in Annexure-8 to this, writ application. After lapse of eighteen years, the respondent authority has passed the impugned order and that too, without assigning any reasons except that the promotions were illegal. Admittedly, no notice was issued to the petitioners before passing the impugned order. Having regard to the fact that the petitioners were promoted after following the procedures as far back as in the year, 1981 and the said order of promotion was confirmed subsequently by the respondent authorities, it is not open for the respondents to

cancel and/or revoke the order of promotion of the petitioners. As stated above, the petitioners were not given any opportunity to substantiate their cases before passing the impugned order. In that view of the matter, the order dated 7.7.1999, as contained in Annexure-14 by which the petitioners were reverted from Class III posts to original Class IV posts, is hereby quashed and consequently this writ application is allowed.

2. Application allowed.