

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16038 of 2006

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1. Anil Kumar Saxena son of Late Mohan Prasad resident of Mohalla-Gwalbigha-Bainpar, P.S. Rampur, Dist. Gaya.
 2. Ramasharya Yadav, son of Sri Kailash Yadav, resident of village Gorkatti, P.S. Konch, District-Gaya.
 3. Upendra Narayan Singh, son of late Kameshwar Prasad, resident of village-Morgaon, P.S. Ghoshi, Dist. Jehanabad.

.... Petitioners

Versus

1. The State of Bihar
2. The Commissioner cum Secretary, Department of Personal & Administrative Reforms Department, Govt.of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Deputy Collector (Incharge) Establishment, Gaya.

.... Respondents

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Appearance :

For the Petitioners : Mr.Sanjay Kumar, Advocate.

For the Respondents : AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 01-05-2015

Heard Mr. Sanjay Kumar in support of the writ application and AC to AAG-9 for the state.

Petitioners are fourth grade employees of the District Collectorate Cadre. They have prayed for a direction upon the respondents to grant them promotion to the post/cadre of clerk (Class-III) on the basis of the result of the limited examination on the grounds that some of the posts were not filled up. Be it noted here that earlier to this petitioners had filed a writ petition for similar/identical relief which was dismissed vide order dated 11.05.2005 passed in C.W.J.C. No. 593 of 2004 (Annexure-6).

A supplementary counter affidavit on behalf of the respondent nos. 1 to 5 affirmed by Sr. Deputy Collector, Gaya has been filed. In paragraph nos. 10 and 11 thereof the respondents have stated as under:



“10. That regarding para 10 of the petition under reply it is submitted that if the petitioner would fulfill the conditions then his promotion then his case would be considered in the guide lines given by the State Government.

11. That regarding para 11 of the petition under reply it is submitted that in case concerning any employee including the case of the petitioners the promotion would be accorded only who will fulfill the criteria mentioned in Rule 2011 and when the matter of promotion would be taken up by the District Screening Committee Gaya then the case of the petitioner would be considered as per rules and not against the rules at all.”

Learned counsel for the petitioners submits that in the light of the said stand taken by the respondents writ petition be disposed of. The State has no objection.

Accordingly, noticing the aforesaid stand of the respondents, as extracted hereinabove, which may entitle the petitioners for consideration of their claim(s) the writ application is disposed of.

(Kishore Kumar Mandal, J)

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