

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5759 of 2001

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Sudhir Ranjan Sahay, son of Late Badri Nath Sahay resident of Nala Road,
P.S.- Kadamkuan, Town and District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Government of Bihar, Technical Secretariat, Vishweshwaraiya Bhawan, Patna.
2. The Engineer-in-Chief-cum- Special Secretary, Road Construction Department, Government of Bihar, Technical Secretariat, Vishweshwaraiya Bhawan, Patna.
3. The Chief Engineer, Central Design Organization Road Construction Department, Government of Bihar, Technical Secretariat, Vishweshwaraiya Bhawan, Patna.
4. The Executive Engineer, New Capital Road Division, Road Construction Department, Patna.

.... Respondents

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. (SC10)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 31-07-2015

Heard learned counsel appearing on behalf of respondents-

State. There is no representation on behalf of the petitioner.

2. This is an application seeking direction to the respondents to consider the petitioner's case for promotion to the post of Laboratory Assistant from the post of Laboratory Attendant according to Government Circular/Rule contained in letter dated 14.4.1979 and further a direction to modify/clarify that the statutory rules framed by the State Government which came into force from



8.11.1999 in a manner so that the Laboratory Attendant may have the promotional avenues and career advancement. It is his further plea that the posts of Laboratory Assistant, which were vacant upto 8.11.1999 should be directed to be filled up on the basis of promotion policy of the State Government in vogue, before coming into force of the promotion rules dated 8.11.1999.

3. It is the petitioner's case that before coming into force of the promotion rules dated 8.11.1999, promotion for selection on the post of Laboratory Assistant from the post of Laboratory Attendant had already begun and therefore, the subsequent rule dated 8.11.1999 should not be invoked for the purpose of grant of promotion to the post of Laboratory Assistant/ Research Assistant.

4. It appears that earlier, there were no statutory rules dealing with promotion to various cadres of technical services under the Road Construction Department, Government of Bihar. The rules have been framed with effect from 8.11.1999 under Article 309 of the Constitution of India. The validity of the said rules has not been questioned. The respondents are required to act in accordance with the statutory rules dealing with appointments and promotion to the post of Laboratory Assistant / Research Assistant. No direction can be given to the respondent to act in a manner which is not in accordance with statutory provisions.

5. As has been indicated above, I do not find any merit in this application. This writ application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

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