

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1092 of 2013**

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1. Anil Kumar Tiwari, Son of Late Ramesh Chandra Tiwari, resident of Village- Amaradh, P.s.- Issuapur, District- Saran at Chapra.
  2. Vinay Kumar Singh, Son of Late Ramashray Singh, resident of Village- Rohana, P.S.- Vaishali, District- Vaishali.
  3. Arjun Manjhi, Son of Late Rampoojan Manjhi, P.S.- Ekma, District- Saran at Chapra.

.... .... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Patna.
2. The Circle Inspector-cum-Kanoongo, Director Consolidation, Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The Collector, Saran, Chapra.
5. The Circle Officer, Amnour, Maker and Nagra.
6. Angad Singh, son of Kewal Singh, resident of Village & Post- Bangara, P.S.- Daudpur, District- Saran at Chapra.
7. Ashok Kuamr Chaudhary, son of Devnath Chaudhary, resident of Mohalla- Rupganj, P.O.- Chapra, District- Saran.
8. Subhash Prasad Chaudhary, son of Devnandan Chaudhary, resident of Mohalla- Rupganj, P.O.- Chapra, District- Saran.
9. Birendra Prasad Verma, son of Late Gopal Prasad Verma, resident of Village- Bhagwanpur, P.S.- Panapur, District- Saran at Chapra.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr. Sanjay Kr No.2 Ga5

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**  
**ORAL ORDER**

4      05-10-2015                      The petitioner nos. 1 and 3 were appointed on the post of Revenue Karamchari in the year 1985 and 1988 and petitioner no.2 was appointed as Amin in the year 1987.

2. The petitioners pray for quashing of the order of promotion as contained in Memo no. 1198 dated 11.08.1991, whereby the Commissioner, Saran Division promoted respondent



nos. 6 to 9, who were appointed subsequent to their appointment. The petitioners in support of their submissions have also referred to Circular, dated 08.08.1986 issued by the Personnel and Administrative Reforms Department, wherein minimum period of 8 years of service was incumbent for a Rajaswa Karamchari for being entitled to promotion to the next higher post in the pay scale of Rs.580-860/- and another three years service for senior grade in the pay scale Rs.690-765/-.

3. The petitioners further seek direction to the respondents to consider their cases for promotion.

4. A counter affidavit has been filed on behalf of the respondents. The respondent no.1 in the counter affidavit has stated that promotion granted to respondent nos. 6 to 8 seems to be against the spirit of Circular, dated 08.08.1996 of the General Administrative Department, Revenue. Respondent no.1 further states in para. 9 that without publishing the gradation list at the commissionery level, and without roster clearance, promotion granted to respondent nos. 6 to 8 was not in accordance with law and is under scrutiny of the department and appropriate action would be taken in accordance with law.

5. As the writ application has been filed after almost 18 years of promotion to the private respondents, the same suffers

on the ground of delay and laches and no positive direction can be issued in this regard.

6. So far their prayer for consideration of promotion is concerned, I find that the petitioners have already filed representations. In case, the petitioners file fresh representations, the same would be disposed of in accordance with law within a period of three months from the date of receipt/ production of a copy of this order.

7. Before parting with the order, it is expected that the respondents would carry the enquiry to its logical conclusion.

8. The writ application stands disposed of.

**(Samarendra Pratap Singh, J.)**

Uday/-

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