

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9379 of 2015

Bijoy Kumar Lall S/o Late Lakshmi Kant Lall, resident of Village Baliyari, Post Sukhet, P.S. Jhanjharpur, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
4. The Joint Secretary (Management) Water Resource Department, Govt. of Bihar, Patna.
5. The Engineer-in Chief cum Additional Commissioner cum Special Secretary, Rural Works Department, Govt. of Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan
For the Respondent/s : Mr. GA9- Anil Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 15-09-2015

15.09.2015

None appears on behalf of the State on call.

Submission of the counsel for the petitioner is that at the time when the DPC met to consider grant of promotion on the post of Executive Engineer, the claim of the petitioner was deferred as seal-cover procedure was adopted. Juniors came to be granted promotion. Subsequently, by a decision taken by the DPC on 18.06.2014, when seal cover was opened and recommendation for promotion of the petitioner was

made. This communication is contained in Annexure-4 and is dated 23.03.2015. It is addressed to the Principal Secretary, Rural Works Department, Government of Bihar for grant of promotion to the petitioner. Petitioner has also filed many an application before the authorities for a decision, but nothing has been done by the respondents, therefore, the Writ application.

Since basic impediment coming in the way of the petitioner for grant of promotion has now been removed by recommendation of the DPC is in his favour, there is an obligation created upon the respondent-authorities to grant promotion to the petitioner, since many a junior to him have been granted promotion earlier.

Let the Principal Secretary, Rural Works Department, Government of Bihar, Patna ensure that the case for issuance of notification for promotion of the petitioners is put in place within a period of three months from the date of production / communication of a copy of this Order.

It is made clear that the General Administration Department's general notification, barring grant of promotion across the board, will have no effect, since the Learned Single Judge has already quashed



the notification relating to grant of promotion to SC/ST and that judgment has been upheld by the Division Bench. Therefore, such ground cannot come in the way for grant of promotion to the petitioner.

Writ application is allowed with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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