

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No 175 of 2014

In

Civil Writ Jurisdiction Case No 22337 of 2011

- =====
1. Shri Nand Kishore Singh S/O Balitaya Singh, Resident Of Village- Kharharwa, P.O.- Narkarima, P.S.- Uchkagaon, District- Gopalganj, Currently Posted In Block Office, Kuchaikot
 2. Shri Nagendra Prasad S/O Late Mahant Sah Resident Of Vilalge, P.O. And P.S.- Kuchaikot, District- Gopalganj
 3. Sri Byas Yadav S/O Late Harihar Yadav Resident Of Village- Karmaini Mohabbat, P.O.- Kuchaikot, P.S.- Kuchaikot, District- Gopalganj, Currently Posted In Block Office, Uchkagaon
 4. Sri Yogendra Singh S/O Late Raj Balim Singh Resident Of Village- Brindavan Sheotahal Rai Ke Tola, P.S.- Uchkagaon, P.O.- Thawe, District- Gopalganj, Currently Posted At Collectorate, Gopalganj
 5. Sri Rudal Prasad S/O Late Ram Lakhan Prasad Resident Of Village- Hem Bardaha, P.O.- Maniara Firm, Block- Kuchaikot, District- Gopalganj
 6. Sri Om Prakash Prasad S/O Late Rajeshwari Prasad Resident Of Village And P.O.- Ichari, P.S.- Aamar Mill, Arrah, District- Bhojpur, Currently Posted At The Collectorate, Gopalganj
 7. Sri Vinod Kumar Sharma S/O Late Suresh Prasad Sharma Resident Of Village- Bengal Khand, P.O.- Basamula Block, P.S.- Kuchaikot, District- Gopalganj, Currently Posted At The Block Office, Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Krishna Mohan, the District Magistrate, Gopalganj
3. Sri Wasim Ahmad, Deputy Collector, Establishment, Gopalganj
4. The Chief Engineer -3, Rural Works Department, Government of Bihar, Patna
5. The Superintending Engineer, Rural Works Department, Works Circle, Siwan
6. Akhilesh Kumar, the Executive Engineer, Rural Works Department, Works Division, Gopalganj - 2

.... Opposite Parties

WITH

Civil Review No 20 of 2015

IN

Civil Writ Jurisdiction Case No 22337 of 2011

- =====
1. Shri Nand Kishore Singh S/O Balitaya Singh, Resident Of Village- Kharharwa, P.O.- Narkarima, P.S.- Uchkagaon, District- Gopalganj, Currently Posted In Block Office, Kuchaikot
 2. Shri Nagendra Prasad S/O Late Mahant Sah Resident Of Vilalge, P.O. And P.S.- Kuchaikot, District- Gopalganj
 3. Sri Byas Yadav S/O Late Harihar Yadav Resident Of Village- Karmaini Mohabbat, P.O.- Kuchaikot, P.S.- Kuchaikot, District- Gopalganj, Currently Posted In Block Office, Uchkagaon
 4. Sri Yogendra Singh S/O Late Raj Balim Singh Resident Of Village-

Brindavan Sheotahal Rai Ke Tola, P.S.- Uchkagaon, P.O.- Thawe, District- Gopalganj, Currently Posted At Collectorate, Gopalganj
5. Sri Rudal Prasad S/O Late Ram Lakhan Prasad Resident Of Village- Hem Bardaha, P.O.- Maniara Firm, Block- Kuchaikot, District- Gopalganj
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7. Sri Vinod Kumar Sharma S/O Late Suresh Prasad Sharma Resident Of Village- Bengal Khand, P.O.- Basamula Block, P.S.- Kuchaikot, District- Gopalganj, Currently Posted At The Block Office, Gopalganj

.... Petitioner/s

Versus

- 1 The State of Bihar through the Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna
- 2 The Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna
- 3 The Joint Secretary, General Administrative Reforms Department, Government of Bihar, Patna
- 4 The District Magistrate, Gopalganj
- 5 The Deputy Collector, Establishment, Gopalganj

.... Respondent/s

Appearance :

(In MJC No.175 of 2014)

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. Anil Kr Uapdhyay

(In C. REV. No.20 of 2015)

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. Sc20- A.K. Upadhay

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

10 28-01-2015

Originally, seven petitioners had filed this application claiming their rights to be considered for promotion from Class IV post to Class III post, there being vacancies accordingly. The writ petition was disposed of with various directions in this regard. The direction not being complied with, this contempt application was filed. In course of these proceedings, it was revealed that out of the seven petitioners, four were retained in the Department



under the Cadre Controlling Authority who was the District Magistrate –cum- Collector of the district. There being vacancies in Class III posts and they being eligible, they were promoted. Unfortunately, the remaining three petitioners were adjusted in the Rural Works Department of which Collector is not the Cadre Controlling Authority. In these proceedings, a show cause was filed in which it is stated that in the Rural Works Department there being inadequate vacancies for the promotion of Class IV employees to Class III post, the three petitioners cannot get the promotions as of now.

The grievances of the petitioners are two folds. First, those four who were promoted, were promoted prospectively ignoring their past right to be promoted. The other three have a grievance that they have been put in a Department denying them promotion, thus, there being discrimination between them and the four others.

Whatever may be the situation, it is not a case where I am required to review my order passed in the writ petition nor can any positive direction can be issued in the contempt proceedings. Petitioners, who are still remaining aggrieved, may prefer such other remedy as they may be advised but surely the present review application and the contempt petition cannot be entertained any

further.

The review application and the contempt application
are, thus, disposed of giving them liberty, as aforesaid.

(Navaniti Prasad Singh, J)

M.E.H./-

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