

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17899 of 2011

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1. Rajesh Kumar Singh S/O Late Daya Nand Singh R/O Village + P.O.- Rampur, P.S.- Sangrampur, District- Munger, Presently Posted As I/C Jailor, Sub-Jail, Hilsa, District- Nalanda
 2. Amod Kumar Singh @ Amod Kumar S/O Late Chandrakant Singh R/O Village + P.O.- Mohanpur, P.S.- Patori, District- Samastipur, Presently Posted As Jail Clerk, District Jail Bhabhua, District- Kaimur
 3. Rajiv Kumar Dubey S/O Late Ram Awtar Dubey R/O Raghunathpur, P.O.- Shivpur, P.S.- Nawanagar, District- Buxar, Presently Attached To District Jail, Hajipur, District- Vaishali
 4. Mirza Kalim Ahmad Beg S/O Late Abdul Mazid Khan R/O Village- Pewandi, P.O. + P.S.- Chenari, District- Rohtas, Sasaram, Presently Posted As Jail Clerk, District- Jail, Khagaria
 5. Umesh Kumar Singh @ Umesh Kumar S/O Late Bharat Bhushan Singh R/O Bahari, P.O.- Balband, P.S.- Charpokhari, District- Bhojpur At Ara, Presently Attached to Shahid Khudi Ram Bose Central Jail, Muzaffarpur
 6. Ashutosh Kumar S/O Late Akhileshwar Prasad Ray R/O Village + P.O.- Sultanpur, Via- Mahnar, P.S.- Desri, District- Vaishali, Presently Posted As Jail Clerk, District Jail, Nawada
 7. Amit Kumar @ Amit Kumar Singh S/O Late Suresh Prasad Singh Presently Posted As Jail Clerk, Adarsh Central Jail, Beur, Town + District- Patna

.... Petitioners

Versus

1. The State of Bihar
2. The Home Secretary, Government of Bihar, Patna
3. The Special Secretary, Home (Special) Department, Government of Bihar, Old Secretariat, Patna
4. The Inspector General (Prisons), Bihar, Patna
5. The Director (Administration) Office of Inspector of Prisons, Home (Jail) Department, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar
For the Respondent/s : AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 06-05-2016 Heard Sri Shailendra Kumar, learned counsel for
petitioners and learned A.C. to Standing Counsel – 22.

Seven petitioners, who are posted as Jail Clerk, have

approached this Court invoking its writ jurisdiction, with a prayer to direct the respondents to promote them to the post of Assistant Jailor from appropriate dates, in terms of the relevant rules/guidelines.

In paragraph – 4 of the writ petition, details of petitioners have been given regarding the date of appointment and date of promotion as Jail Clerks. Admittedly, petitioners were appointed on different dates and thereafter, they were promoted as Jail Clerks on different dates.

In normal case, such petition was not required to be entertained, however; in this case, counter affidavit has been filed on behalf of respondent no. 1 to 5 and stand has been taken that regulation as “***Bihar Kara Nimna Wargiya Sanwarg Niyamawali, 2008***” has been framed to consider the case of promotion of L.D.C./Accounts Clerk to higher posts and in paragraph -11, it has been stated that action for obtaining annual confidential report has already been taken and cases shall be considered by the Departmental Promotion Committee.

Learned counsel for petitioners tried to persuade the Court that the petitioners are entitled to be promoted in view of earlier existing policy and as such, they are entitled to be promoted accordingly.

It is settled that a government servant may not claim promotion as a matter of right, however; only a claim for being considered for promotion can be raised. Since in the counter affidavit, it has categorically been stated that regulation has already been framed for considering the cases of promotion and also stand has been taken that they are proceeding with the matter, there is no need to keep the matter pending.

The writ petition stands disposed of with an expectation that respondents may take appropriate step, in view of new instruction.

(Rakesh Kumar, J.)

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