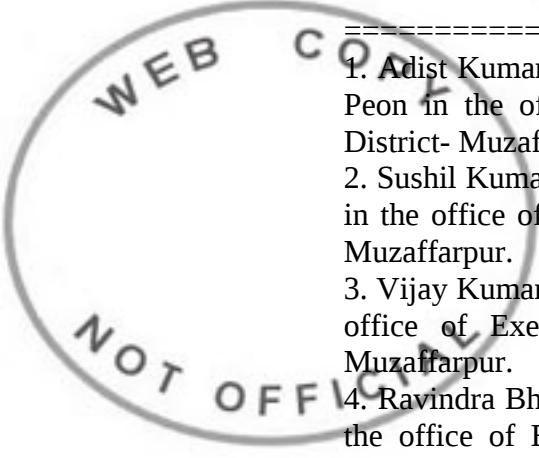


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19875 of 2015

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1. Adist Kumar Thakur, son of Late Harish Chandra Thakur, Presently working as Peon in the office of Executive Engineer, Water Ways Division, Muzaffarpur, District- Muzaffarpur.
 2. Sushil Kumar Thakur, son of Late Jai Kumar Thakur, Presently working as Peon in the office of Executive Engineer, Water Ways Division, Muzaffarpur, District- Muzaffarpur.
 3. Vijay Kumar Singh, Son of Late Nagina Singh, Presently working as Peon in the office of Executive Engineer, Water Ways Division, Muzaffarpur, District- Muzaffarpur.
 4. Ravindra Bhagat, son of Late Maheshwar Bhagat, Presently working as Peon in the office of Executive Engineer, Water Ways Division, Muzaffarpur, District- Muzaffarpur.
 5. Dhiraj Kumar, son of Late Keshav Mohan Prasad, Presently working as Treasure Guard in the office of Executive Engineer, Water Ways Division, Muzaffarpur, District- Muzaffarpur.
 6. Chandan Kumar, son of Late Jhulan Singh, Presently working as Treasure Guard in the office of Superintending Engineer, Drainage Investigation Circle, Muzaffarpur, District- Muzaffarpur.
 7. Shashi Ranjan Roy, son of Late Dwarika Roy, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 8. Ramchandra Paswan, son of Sri Ram Jivan Paswan, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 9. Uma Shankar Prasad, son of Kailash Sharma, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 10. Amresh Patel, son of Late Sadanand Patel, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 11. Dhananjay Kumar Singh, son of Late Matuk Singh, Presently working as Treasure Guard in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 12. Satish Kumar Singh, son of Late Kare Prasad Singh, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 13. Shiv Shankar Srivastava, son of Late Mohan Prasad Srivastava, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 14. Chandan Kumar, son of Late Girja Nand Sharma, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur.
 15. Dilip Kumar, son of Late Shyamji Prasad, Presently working as Peon in the office of Superintending Engineer, Tirhut Canal Circle, Muzaffarpur, District- Muzaffarpur.
 16. Upendra Kumar Singh, son of Sri Raghunath Singh, Presently working as Treasure Guard in the office of Superintending Engineer, Tirhut Canal Circle, Muzaffarpur, District- Muzaffarpur.
 17. Gauri Shankar Chaudhary, son of Late Ram Dayal Chaudhary, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Ratwara, District- Muzaffarpur.

18. Manoj Kumar, son of Late Ganga Bishnu Prasad, Presently working as Peon in the office of Superintending Engineer, Bagmati Circle, Sitamarhi, District-Sitamarhi.

19. Dinesh Kumar Thakur, son of Late Ram Sagar Thakur, Presently working as Peon in the office of Executive Engineer, Planning & Design Division No.3, Muzaffarpur, District- Muzaffarpur

20. Md. Sohail, son of Late Md. Ahur, Presently working as Peon in the office of Executive Engineer, Planning & Design Division No.1, Muzaffarpur, District-Muzaffarpur

21. Binod Kumar Sharma, son of Late Nawal Kishore Sharma, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division No.1, Muzaffarpur, District- Muzaffarpur

22. Manoj Kumar Lal, son of Late Upendra Narayan Lal, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Ratwara, District-Muzaffarpur

23. Vijay Kumar Thakur, son of Late Lakshman Thakur, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Ratwara, District-Muzaffarpur

24. Manoj Kumar, son of Late Ram Swaroop Mahto, Presently working as Treasure Guard in the office of Executive Engineer, Tirhut Canal Division, Ratwara, District- Muzaffarpur

25. Shambhu Pathak, son of Late Bhuneshwar Pathak, Presently working as Peon in the office of Executive Engineer, Planning & Design Division No.1, Muzaffarpur, District- Muzaffarpur

26. Bipin Kumar, son of Late Ishwar Pandey, Presently working as Peon in the office of Executive Engineer, Drainage Division, Hajipur, District- Vaishali at Hajipur.

27. Md. Ibrar Ahmad, son of Late Dost Mohammad, Presently working as Peon in the office of Executive Engineer, Flood & Drainage Division, Lalganj, District-Vaishali at Hajipur

28. Manish Kumar Bibhuti, son of Late Kali Paswna, Presently working as Peon in the office of Executive Engineer, Tirhut Canal Division, Hajipur, District- Vaishali at Hajipur.

29. Khusbu Kumari, daughter of Late Mahesh Prasad, Presently working as Treasure Guard in the office of Executive Engineer, Tirhut Canal Division No.1, Muzaffarpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Muzaffarpur.
5. The Superintending Engineer, Drainage Circle, Water Resources Department, Muzaffarpur.
6. The Superintending Engineer, Tirhut Canal Circle-1, Water Resources Department, Muzaffarpur.
7. The Superintending Engineer, Tirhut Canal Circle-2, Water Resources Department, Muzaffarpur.
8. The Superintending Engineer, Bagmati Circle, Water Resources Department,

Sitamarhi.

9. The Executive Engineer, Tirhut Canal Division, Water Resources Department, Saraiya, District- Muzaffarpur.

10. The Executive Engineer, Water Ways Division, Water Resources Department, Muzaffarpur.

11. The Executive Engineer, Tirhut Canal Division No.1, Water Resources Department, Muzaffarpur.

12. The Executive Engineer, Tirhut Canal Division, Water Resources Department, Ratwara, District- Muzaffarpur.

13. The Executive Engineer, Water Drainage Division, Water Resources Department, Hajipur, District- Vaishali.

14. The Executive Engineer, Water Drainage Division, Water Resources Department, Muzaffarpur.

15. The Executive Engineer, Planning and Design Division, Water Resources Department, Muzaffarpur.

16. The Executive Engineer, Water Drainage Division, Water Resources Department, Lalganj, District- Vaishali.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. S. B. K. Manglam
Ms. Anita Kumari

For the Respondent/s : Mr. GA7-S.P.SINGH

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-02-2016

Heard learned counsels for the parties.

The submission of the learned counsel for the petitioners is that they are working on a Class-IV post for a very long time, some of them as long as three decades. They have not earned any promotion in all these years of service, whatever be the reasons earlier. However, by virtue of a notification, issued by the Water Resources Department, Government of Bihar, dated 16th of December, 2014 (Annexure – 2), a Rule has been put in place. Rule 5 envisages grant of promotion to the extent of 15 percent of the post and 85 percent is required to be filled up by direct recruitment.

Rule 8 lays down the procedure to be followed for grant of such promotion.

Keeping the above Rules into mind, the writ application is disposed off with a direction upon the Chief Engineer, Water Resources Department, Muzaffarpur that exercise, which has been initiated and has been going on for some time, now, will be culminate into a final decision making, by following the rules, contained in rules 5 and 8 of the 2014 Rules and ensure that all the eligible persons, who fulfill the requirements, earn their promotion, preferably within a period of four months from the date of communication / production of a copy of this order.

Writ application is allowed in terms of above.

(Ajay Kumar Tripathi, J)

SKM/-

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