

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10673 of 2013

- =====
1. Suman Kumar Mandal Son Of Shri Suresh Mandal Resident Of Village - Dahgana, P.S. Gogri, District - Khagaria At Present Posted As Jeep Driver In The Office Of Amour Block, Sub Division - Baisi, District - Purnea
 2. Ranjit Kumar Son Of Late Maheshwar Kumar Yadav Resident Of Village - Thatha, P.S. Mansi, District - Khagaria, At Present Working To The Post Of Jeep Driver In Kharik Block Office, Sub - Division - Naugachhiya, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, General Of Administration Department, Patna
2. The Joint Secretary, General Of Administration Department, Patna
3. The District Magistrate, Purnea
4. The Block Development Officer, Amour, District - Purnea
5. The Secretary To The Divisional Commissioner, Bhagalpur Division
6. The District Magistrate, Bhagalpur
7. The Block Development Officer, Kharik Block, Sub Division - Naugachhiya, District - Bhagalpur

.... Respondents

=====

Appearance :

For the Petitioner/s : Kalpna Kusum, Advocate
Mr. Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr. Sanjay Kumar-2, AC to AAG-4

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-08-2016

Heard the learned counsel for the petitioners and the learned counsel for the State.

In the present case, the petitioners have sought a relief in terms of Rule 56(Ka)(2) of the Bihar Service Code for converting the cadre from the post of Driver to the Lower Division Clerk.

As the claim made by the petitioners that after successfully passing the competitive examination conducted by the Bihar Staff Selection Board, Patna, Mr. Suman Kumar Mandal,

petitioner No. 1, was appointed for the post of Driver in Amour Block vide order dated 28.08.2006, and Mr. Ranjit Kumar, petitioner No. 2, was appointed for the post of Driver in Kharik Block vide order dated 09.05.2016 passed by the District Magistrate, Bhagalpur.

Both the petitioners have filed the representation before the concerned authorities, respectively, and claimed that in view of Rule 56(Ka)(2) of the Bihar Service Code for converting the cadre from the post of Driver to the Lower Division Clerk and also given another instances about certain persons, namely, Shri Rajesh Kumar Ojha, Shatrughan Prasad and claiming that the authorities should exercise the power under Rule 56(Ka)(2) of the Bihar Service Code and give them the identical relief as per Rule.

In such view of the matter, let the petitioners should file a detailed representation before the respective District Magistrate, Purnea and District Magistrate, Bhagalpur, who will consider the case of the petitioners and examine the facts and circumstances relating to the petitioners and pass a reasoned order in accordance with law.

With the above observations and directions, this application is disposed of.

(Shivaji Pandey, J)

ajaypd./-

U			
---	--	--	--