

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4131 of 2016

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1. Kameshwar Paswan, Son of late Ram Brichha Paswan, Resident of Village- Sikandarpur, PO- Basuhar, PS- Punpun, District Patna (Chhokidar-6/4).
 2. Indrajeet Paswan, son of late Naulakha Paswan, resident of Village- Ganjpar Jalalpur, PO- Marachi, District- Patna (Chokidar-4/5).
 3. Ashok Kumar, Son of late Rosan Ram, Resident of Village- Maranchi, PS- Punpun, District- Patna (Chokidar-4/5).
 4. Devendra Paswan, Son of late Ritan Paswan, Resident of Village- Khapura, PS Pipra PO - Kalyanpur District Patna(Chokidar-7/4).
 5. Kishori Paswan, Son of late Ram Bachan Paswan, Resident of Village- Parthu , PS- Pipra, District Patna (Chokidar-9/3).
 6. Bijendra Paswan, son of late Bhattu Paswan, Resident of Village- Bakarpur PO Jat Dumari, PS- Punpun, District- Patna (Chokidar- 6/2).
 7. Deena Nath Lal, Son of late Bhulatan Lal, Resident of Village- Mahaddipur, PO Braha, PS- Punpun, District- Patna (Dafadar-9).
 8. Lalu Paswan, son of late Bisuni Paswan, Resident of Village- Kutubpur (Akhauna Gardha) PO- Lahasuna, PS- Punpun, District- Patna (Chokidar 9/5).
 9. Satyendra Paswan, Son of late Indrajeet Paswan, Resident of Village- Jat Dumari, PO- Jat Dumari, PS- Punpun, District- Patna (Chokidar- 6/3).
 10. Arun kumar Paswan, Son of late Ambika Paswan, Resident of Village- Akkuna Gardha (Kutubpur), PO- Lahasuna, PS- Punpun, District Patna (Chokidar 9/4).
 11. Chhatrapati Paswan, Son of late Nahanaku Paswan, Resident of Village- Noorichak, PO- Maranchi, PS- Punpun, District- Patna (Dafadar -4).
 12. Khuda Baksa, Son of late Imam Baksa, Resident of Village- Dumari, PO Dumari, PS- Punpun, District- Patna (Chokidar - 6/7).
 13. Vidhya Paswan, Son of late Munsu Paswan, Resident of Village-Sahawajpur, PO Baraha , P.S- Pipra, District- Patna (Chhokidar -9/6).
 14. Bindeshwar Paswan, Son of late Ram Prite Paswan, Resident of Village- Beharawa, PO- Sorampur, P.S- Pipra, District Patna.
 15. Karmu Paswan, Son of late Prasad Dusadha, Resident of Village- Bajitpur, PO- Kalyanpur, PS- Pipra, District- Patna (Chhokidar 9/2).
 16. Raj Balam Singh Son of Sobaran Singh Resident of Village -Dharhara (Chandan Nagar), P.S- Punpun District Patna (Dafadar-5)
 17. Girija Mochi, son of late Baru Mochi, Resident of Village –Baisa, P.S- Punpun, District Patna.(Chokidar)
 18. Badri Ram, S/o late Bhujali Ram, Resident of Village –Pakri, P.S- Punpun, District- Patna (Chokidar 1/5).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Finance Department, Old Secretariat, Patna.
3. The Principal Secretary, Department of Home, Old Secretariat, Patna.
4. The District Magistrate, Patna.
5. The Circle Officer, Punpun Block, Punpun, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Singh, Advocate
For the Respondent/s : Mr. Santosh Kr. Mishra, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 24-05-2017

Heard Mr. Chandra Bhushan Singh, learned counsel appearing for the petitioners and Mr. Santosh Kumar Mishra, learned Assisting Counsel to Government Pleader No.9 for the State.

The 18 petitioners herein seek a direction to the respondent authorities more particularly the District Magistrate, Patna to consider their claim for grant of benefit under the Assured Career Progression Scheme, 2003 and the Modified Career Progression Scheme, 2010 in terms of the Rules in force. Petitioner nos.1 to 5 further seek a direction for consideration of their claim for promotion to the post of Lower Division Clerk.

Mr. Singh, learned counsel appearing for the petitioners in reference to the documents accompanying the writ petition has submitted that although some kind of correspondence has taken place for such grant but it has not been taken to its conclusion. Learned counsel in this regard has referred to a letter of the Special Secretary, Home (Police) Department, Bihar, Patna addressed to all the District Magistrates of Bihar dated 27.10.2014 present at Annexure-3 as well as an inter-departmental correspondence present at Annexure-4 in this regard. He submits that although the attention of the District Magistrate, Patna was drawn by filing a representation present at Annexure-5 but has given no result and hence the writ



petition.

Having heard learned counsel for the parties and considering that the matter remains pending for disposal before the District Magistrate, Patna I allow the writ petition with a direction to the District Magistrate, Patna to consider the grievance of the petitioners for grant of benefit under the Assured Career Progression Scheme, 2003/Modified Career Progression Scheme, 2010 and pass appropriate order disposing of the claim of the petitioners within a period of three months from the date of receipt/production of a copy of this judgment.

In so far as the issue of regular promotion is concerned, the concerned petitioners would be at liberty to file their representation in this regard before the appropriate authority, who would consider and dispose of the same in accordance with law within the period stipulated above.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-06-2017
Transmission Date	NA

