

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6449 of 2014

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1. Ram Kumar Singh, Son of Late Sri Bhagwan Singh, resident of Village- Mahabalipur, P.S.- Dulhin Bazar, District- Patna, At Present Working as a Mazdoor in Electric Works Division, Patna Near South Bailey Road, P.S.- Kotwali, District- Patna

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Energy Department, Government of Bihar, Patna

2. Principal Secretary, Energy Department, Government of Bihar, Patna

3. Chief Engineer, Energy Department, Government of Bihar, Patna

4. Electric Superintending Engineer, Electric Works Circle, Patna

5. Electrical Executive Engineer, Electric Works Division, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey, Adv.

For the Respondents : Mr. V.K. Singh, GA III

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 08-09-2017 Heard both sides.

The petitioner has filed this writ petition for a direction to the respondent-authority to promote the petitioner from the rank to Mazdoor to the rank of Work Sarkar.

The petitioner has earlier filed C.W.J.C. No. 3293 of 1995 for the same relief on the ground that Bimal Kumar Singh, junior to the petitioner, was promoted to the post of Work Sarkar and the aforesaid C.W.J.C. No. 3293 of 1995 was disposed off on 16.11.2010 with a direction to the respondents to consider the case of the petitioner.

On 02.09.2013, the Departmental Promotion Committee considered the case of the petitioner and Bimal Kumar Singh and found that the post of Work Sarkar was not a promotional post and there is a provision of direct recruitment on the post of Work Sarkar. Accordingly, the petition of the petitioner and Bimal Kumar Singh were rejected that they are found not



entitled to get promotion on the post of Work Sarkar.

The learned counsel for the petitioner submits that the Superintending Engineer, Electric Works Circle, Patna, vide order, dated 25.05.1990, as contained in office order no. 157, promoted Bijendra Kumar to the post of Work Sarkar. It appears that the Superintending Engineer, again, committed same illegality by promoting Bijendra Kumar to the post of Work Sarkar whereas there is no such provision for promotion of Mazdoor to the post of Work Sarkar as this Court has already held in C.W.J.C. No. 3293 of 1995.

Accordingly, the Departmental Promotion Committee in its resolution, dated 02.09.2013, rejected the petitions of the petitioner and Bimal Kumar Singh. Therefore, I do not find any merit in this writ petition and the same is **dismissed**.

However, if the petitioner files representation before the authorities, the authorities shall consider the representation of the petitioner in the light of the order promoting Bijendra Kumar on the post of Work Sarkar, as contained in Annexures 14 and 15 series, and in the light of the decision taken by the Departmental Promotion Committee within three months, from the date of receipt of the order.

(Prabhat Kumar Jha, J)

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