

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6395 of 2015

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1. Vijay Kumar Son of Late Kanhaiya Prasad. Resident of Mohalla -
Bhagwati Nagar, Hari watika Chowk, Police Station - Bettiah Muffasil,
District - West Champaran. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Water Resource
Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar,
Patna.
3. The Deputy Secretary, Water Resource Department, Government of
Bihar, Patna.
4. The Chief Engineer, Water Resource Department, District - Siwan.
5. The Chief Engineer, Water Resource Department, Balmiki Nagar, camp
at Motihari, East Champaran.
6. The Superintending Engineer, Water Canal Circle, Bettiah, District West
Champaran.
7. The Executive Engineer, Tirhut Canal Division No.2, Bettiah, West
Champaran.
8. The Accountant General, Bihar, Office situated at Virchand Patel Marg,
Patna, Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, advocate
For the Respondent/s : Mrs. Gp10-Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 17-08-2017 Heard both sides.

The petitioner has filed this writ petition for directing the respondents to grant promotion to the petitioner from class-IV to class-III post.

The facts, which are relevant for disposal of this writ petition, are that the petitioner was appointed on class-IV post on compassionate ground in the year 2005. The Executive Engineer, Tirhut Canal Division No.2, West Champaran, Bettiah vide his letter No. 458 dated 07.04.2009 directed the petitioner to work in the place of Hari Narayan Jha, Clerk, who was to superannuate, as his helper. The Finance Department, Government of Bihar vide its resolution No. 630 dated 21.01.2010 directed that the persons who



are working in category-D posts of the Government of Bihar shall be promoted to the post of Clerk if they possess requisite qualification for promotion without any written test. The Executive Engineer also recommended the name of petitioner for promotion.

The learned counsel for the petitioner submits that petitioner has got requisite qualification for promotion to class-III post and no departmental examination is required but the authorities are sitting over the matter.

The State has filed counter affidavit stating that the petitioner was appointed on class-IV post on compassionate ground in the year 2005 and no person junior to the petitioner has been promoted to class-III post.

I do not find any force in the submission of learned counsel for the petitioner as the petitioner has not annexed the seniority list of class-IV employees and merely because the Executive Engineer recommended the name of petitioner for promotion the petitioner has got no right to get promotion in class-III post unless any person junior to the petitioner is promoted to class III post.

Having considered the submissions of the parties, I find no merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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