

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2699 of 2014

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1. Bunni Sao Son Of Late Butai Sao Resident Of Village Gangahara Daudpur, P.S. Shahpur, District- Patna
2. Ganesh Shankar Vidyarthi Son of Yadunandan Prasad Singh Resident of Village Dola, P.S. Pakri, District- Nawada
3. Gautam Sharma Son of Ram Anugrah Sharma Resident of Village Balipur, P.S. Pipariya (Barwa), District- Lakhisarai
4. Sri Binod Kumar Singh Son Of Sri Rajendra Singh Resident Of Village Mehush, P.S. Mlehush, District- Sheikhpura
5. Anil Kumar Tiwary Son Of Late Ganga Tiwary Resident Of Village Shudapur (Barta), P.S. Bihiya, District- Bhojpur At Arrah
6. Vijay Sharma Son Of Late Halkhori Singh Resident Of Village Bela Rampur, P.S. Makhdumpur, District- Jehanabad
7. Surendra Kumar Sharma Son Of Late Jadhu Sharma Resident Of Village Kapsima, P.S. Nalanda, District- Nalanda
8. Sanjay Kumar Singh Son of Late Ayodhya Singh Resident of Village Lalgudar, P.S. Lakhisarai, District- Lakhisarai
9. Amrika Prasad Son of Mohan Prasad Resident of Village Nagrarpur, P.S. Dhanarua, District- Patna

.... Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Home Department Government of Bihar
3. The State Fire Officer, Bihar, Patna
4. The Director General-Cum-Commandant General of Home Guards Services Of Bihar, Patna
5. The D.I.G. Of Police-Cum-Deputy Commandant General Of Home Guards Services Of Bihar, Patna
6. The Station Fire Officer, Begusarai
7. The State Fire Officer, Sheikhpura
8. The Station Fire Officer, Nalanda
9. The Station Fire Officer, Patna
10. The Station Fire Officer, Nawada

.... Respondents

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Appearance :

For the Petitioners : Mr. Ajay Kumar Sharma, Adv.
For the Respondents : Mr. Parijat Saurav, AC to AAG X

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 16-10-2017

Heard both sides.

The petitioners have challenged the order, as contained in Annexure 6 and 6-I, by which the members of the Bihar Fire Service were promoted to the post of Sub Officer (Assistant Police Sub-Inspector category).

The learned counsel for the petitioners submits that the promotion of the Constables and Head Constables of Bihar Fire Service shall be governed by the Police Manual. Some of the persons, who were juniors to the petitioners, have been promoted



to the higher post, ignoring the claim of the petitioners.

The learned counsel for the State filed counter affidavit and stated that the promotions have been made in pursuance of Rules 43 and 44 of the Bihar Fire Service Rule, 1988, which have been framed under Section 22 of the Bihar Service Act, 1948. The preamble of the aforesaid Rules, itself, make it clear that in absence of any provision in the Bihar Fire Service Rules, 1988, the Rules of Bihar Police Manual, Bihar Service Code, Bihar Pension Rules and others shall be applicable to the personnel of Bihar Fire Service. It is submitted that the petitioners appeared at the examination held for promotion under Rules 43 and 44 of the Bihar Fire Service Rules, 1988. The petitioners could not get fifty per cent of marks in the merit test and, accordingly, they were not found fit.

After some arguments, the learned counsel for the petitioners submits that the petitioners have filed representation before the authority and, therefore, this writ petition may be disposed off with a direction to the authority, respondent no. 4, to consider the representation of the petitioners.

In view of the prayer, made by the learned counsel for the petitioners, this writ petition is **disposed off** with a direction to respondent no. 4 to consider the representation of the petitioners and pass order in accordance with law within four months, from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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