

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15265 of 2008

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1. Jang Bahadur Sharma son of Late Gayan Singh, Resident of village Naugawt, P.S. Ekangarsarai, District Nalanda
2. Prakash Narayan Jamuar son of late Anirudh Narain Jamuar, Resident of E/83, Rajesh Kumar Patha, Sri Krishnapuri, Patna
3. Deonath son of Sri Mithila Singh, resident of village Hulashchak, P.O. Sarampur, P.S. Janepur, District Patna

.... Petitioners

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Commissioner-cum-Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
3. Commissioner-cum-Secretary, Finance Department, Government of Bihar, Patna.
4. The Deputy Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioners : None

For the Respondents : Mr. Rewati Raman, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-06-2017

In view of the order dated 12.05.2017, the present writ petition is confined to the petitioner no. 1 and stands dismissed as against the petitioner nos. 2 and 3.

2. The prayer in the writ petition is for a direction to the respondents to grant regular promotion to the petitioner no. 1 with all consequential benefits in the rank of Senior Personal Assistant/Private Secretary and Secretary to Secretary fixing his seniority on the basis of his actual date of appointment as Steno Typist; and to cancel the letter no. 8542 dated 01.08.2008 issued under the signature of the Deputy Secretary, Personnel & Administrative Reforms Department,



Government of Bihar, Patna.

3. None appears on behalf of the petitioner no. 1 despite repeated calls.

4. Learned counsel for the State, on the other hand, submits that there is no error in the decision taken by the respondents. He invites attention to the letter contained in Memo No. 325 dated 10.09.1987 (Annexure-3) by which 14 Steno Typists including the petitioner no.1 were upgraded to the post of Personal Assistant, according to which such upgradation was conditional on the terms enumerated in the said letter itself, namely,

(a) Appointment would be effective from the date of taking over the charge;

(b) Seniority of such persons would be below the persons already working as Personal Assistant prior to the order; and

(c) Inter-se seniority among the duly appointed Personal Assistants would be based on the date of their appointment.

5. It is therefore submitted that inasmuch as appointment itself was made on the strength of the aforesaid condition, the benefit of Clause 3(iii) of Circular No. 15784 dated 26.08.1972 sought to be relied upon in paragraph 14 of the writ petition is wholly inapplicable to the case of the petitioner no. 1. On the other hand, Clause 3(vii) of the said circular is quite specific that in case of merger of the cadre, seniority of a person would be counted on the basis of the date of his



appointment.

6. Having heard learned counsel for the State, this Court is satisfied that there is no ground for interference with the impugned order passed, which has held in line with the conditions of appointment of the petitioner no. 1 with regard to seniority in the cadre of the Personal Assistants as well as in accordance with Clause 3(vii) of the circular No. 15784 dated 26.08.1972. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.06.2017
Transmission Date	N.A.

