

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2462 of 2017

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1. Shri Rajiv Ranjan, S/o Late Ramanugrah Prasad Singh, R/o Mohalla-Budh Marg, Lodhipur, Bihar Fire Service Campus, P.O.- Lodhipur, P.S.- Gandhi Maidan, District- Patna, at present posted as Junior Engineer, Gardanibag, Building Division, Building Construction Department, Governemnt of Bihar, Bailey, Road, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Bailey Road, Patna.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Additional commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar, Bailey Road, Patna.
4. The Chairman, Departmental Promotion Committee, Member, Bihar Public Service Commissioner, Patna.
5. The Additional Secretary, Member Departmental Promotion Committee, Rural Works Department, Government of Bihar, Patna.
6. The Additional Secretary, Member Departmental Promotion Committee Building Construction Department, Government of Bihar, Patna.
7. The Deputy Secretary, Member Departmental Promotion Committee, General Administration Department, Government of Bihar, Patna.
8. The Chief Engineer, Member Departmental Promotion Committee, Building Construction Department, Government of Bihar, Patna.
9. The Executive Engineer, member Departmental Promotion Committee, Building Design Circle No. 2, Building Construction Department, Government of Bihar, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Respondent/s : Mr. Ram Balak Mahto-Ag

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2018

The learned counsel for the petitioner submits that

though the writ petition was filed for promoting the petitioner on the post of Assistant Engineer, treating his services to have been deemed to be confirmed and accordingly, quash the



recommendation of the D.P.C. dated 31.01.2017 whereby, the case of the petitioner was not considered, however the controversy has been set at rest now after filing of the counter affidavit, wherein in Paragraph no. 7, it has been stated as follows :-

“ The department only got information about confirmation of service of the petitioner, vide letter no. 3329 (S) dated 10.04.2017 issued under signature of Additional Secretary, Road Construction Department that the services of the petitioner has been confirmed vide office order no. 181 read with Memo no. 5225 (E) dated 26.09.2011 of Road Construction Department. ”

In view of the aforesaid, since the department has now acknowledged that the services of the petitioner has already been confirmed, the only option left for the department is to consider the case of the petitioner for promotion from the date his juniors have been granted promotion.

Accordingly, the respondents are directed to consider the case of the petitioner for promotion in accordance with law and pass final orders within four weeks from today, considering the fact that juniors to the petitioner have already been granted promotion. It is made clear that in case, the consequential benefits are found payable to the petitioner, the same shall be paid



within a period of four weeks from passing of the order by the concerned authority.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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