

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.342 of 2015**

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NITESH KUMAR BARNWAL SON OF LAT ETHAKUR PRASAD VERMA,  
RESIDENT OF VILLAE AND PO DIYAW, POLICE STATION ASTHAWA  
NALANDA AT PRESENT POSTED AS ASSISTANT ENGINEER, BUILDING SUB  
DIVISIN, BUILDING CONSTRUCTION DEPARTMENT, SHERGHATI, GAYA.

.... .... Petitioner

Versus

1. THE STATE OF BIHAR
2. THE PRINCIPAL SECRETARY, RCD, GOVERNMENT OF BIHAR PATNA
3. THE PRINCIPAL SECRETARY, BUILDING CONSTRUCTION AND HOUSING  
DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
4. THE ENGINEER IN CHIEF CUM ADDITIONAL COMMISSIONER CUM  
SPECIAL SECRETARY, ROAD CONSTRUCTION DEPARTMENT,  
GOVERNMENT OF BIHAR
5. THE CHIEF ENGINEER, HEAD QUARTER, RCD, GOVERNMENT OF BIHAR  
PATNA
6. THE DEPUTY SECRETARY (ADMN CELL) RCD GOVERNMENT OF BIHAR,  
PATNA

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Siyaram Shahi, Advocate and  
Mr. Gopal Bohra, Advocate

For the Respondents : Mr. Sheo Shankar Pd., SC 10

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      07-02-2018                      It is agreed between the parties that the relief prayed by  
  
the petitioner in the instant writ petition is covered by the  
  
decision of this Court passed in C.W.J.C.No. 16049 of 2016  
  
dated 15.3.2017 wherein this Court has directed as follows:-

*“The respondent authorities concerned  
including the Principal Secretary, Road Construction  
Department are directed to consider the claim of the  
petitioners for promotion with effect from the date on  
which each of them have been found fit for promotion in  
terms of the list so issued dated 24.9.2009 present at  
Annexure 5 subject to availability of vacancies in that  
particular year earmarked for such promotion and pass  
appropriate orders in accordance with law within a  
period of three months from the date of  
receipt/production of a copy of this order.*

*The writ petition is allowed.*

*Let a writ of mandamus issue accordingly.”*



In view of the aforesaid stand of the parties, the writ petition is disposed of in terms of the said order.

**(Madhuresh Prasad, J)**

Shashi.

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