

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1604 of 2009

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Mekha Ram Diwakar, son of late Mangal Ram, resident of Hasanpur, P.S. Sarai Akil, Town and District of Kaushambi (U.P.) at present Munger (Fort Area) P.S. Munger, in this town and district of Minger (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary to the Government of Bihar, Patna.
2. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna
3. The Special Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna
4. The Deputy Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
5. Shri Dilmohan Paswan, father's name not known, Settlement Officer, Bhagalpur
6. Shri Surya Narayan Das, father's name not known, Joint Secretary, Labour Resources Department, Government of Bihar, Patna
7. Shri Ramavatar Ram, father's name not known Municipal Commissioner, under the Department of Urban Development and Housing, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None
For the State : Mr. Y.P. Sinha, AAG7
Mr. Shanker Kumar, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-01-2018

No one appears on behalf of the petitioner. However, learned counsel for the State is present.

In this case, the petitioner has sought a relief to grant promotion to the post of Joint Secretary from the date till Sri Dilmohan Paswan has been given, claiming that he was junior to him and he has been granted benefit but petitioner has been deprived.



The petitioner is domicile of Uttar Pradesh and is by caste Dhobi, comes under scheduled caste, as per list published by the Presidential Order, 1950 Dhobi is also member of scheduled caste in Bihar, claiming that he is entitled to the accelerated promotion.

He has entered into service through 25th Combined Competitive Examination conducted by the Bihar Public Service Commission. He was appointed as Deputy Collector and later on he was confirmed. The present petition has made prayer that he should be promoted to the post of Under Secretary as his junior, namely, Dilmohan Paswan has been granted the benefit.

In the counter affidavit the State has said that petitioner can not compare with Dilmohan Paswan as the petitioner is domicile of Uttar Pradesh and as such he is not entitled to the accelerated promotion in view of amended Section 4 of the Bihar Reservation of Vacancies in Posts and Services for Scheduled Caste and Scheduled Tribes and Other Backward Classes) Act, 1991, which stipulates that benefit of reservation will be available to the resident of Bihar not the candidate of outside the State. This issue has already be decided in the case of Khichri Ram v. the State of Bihar, reported in 2009(2) PLJR 265.

In such view of the mater, the claim of the petitioner for



accelerated promotion to the post of Under Secretary cannot be entertained as benefit is confined to the employees who are resident of Bihar only not to others.

In such view of the matter, this Court does not find any merit in this writ petition. Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

