

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10984 of 2017

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1. Buddhadeo Prasad Singh, Son of Late Deonandan Prasad Singh, Resident of Village-Chhotki Masaurhi, P.S.-Masaurhi, District-Patna.
2. Shambhu Kumar Mehra, Son of KLate Shiv Shankar Mehra, Resident of Village-Baghmara, P.S.-Jasidih, District-Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna.
4. The Chief Engineer-2, Rural Works Department, Govt. of Bihar, Patna.
5. The Executive Engineer, Rural Works Department, Works Division, Jhajha, District-Jamui.
6. The Superintending Engineer, Rural Works Department Work Circle, Nalanda.
7. The Superintending Engineer, Rural Works Department, Work Circle, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shally Kumari
For the Respondent/s : Mr. Ajay -Ga5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-05-2018 The writ petitioners, by way of the present writ petition, seek issuance of directions to the respondents to implement Rule 5 and Rule 6 of Rural Works Department Accounts Clerical Cadre (Recruitment and Service Conditions) Rules, 2014 and Rural Works Department Field Clerical Cadre (Recruitment and Service Conditions) Rules, 2014 respectively.

The learned counsel for the petitioners has referred to the judgment of this Court dated **08.01.2018** passed in **CWJC no. 13144 of 2017** as well as has contended that some



persons similarly situated to the petitioners herein, have been granted promotion from the post of Group-D to Group-C, hence the case of the petitioners is liable to be considered accordingly.

Per contra, the learned counsel for the respondents relying on the counter affidavit filed by the respondents, has contended that though the matter is under consideration before the Chief Engineer of the department but it has been opined by the Chief Engineer that the amendment to the Rules are under process, hence the cases of the petitioners would be considered after amendment of the rules.

I have heard the learned counsel for the parties and considered the materials on record. At the moment, since the rules have not been amended, the case of the petitioner is required to be considered according to the prevailing Rules of the year 2014. Thus, the respondent no. 4 is directed to consider the case of the petitioners for promotion from the Group-D post to Group-C and pass final order within a period of six weeks from today.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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