

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7649 of 2016

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1. Murlidhar Mandal son of Late Vishnudeo Mandal, Resident of Qr. No.- F-14, Mohalla- Sichai Colony, Jawaripur, Jail Road, Bhagalpur, P.S.- Tilkamanjhi, District- Bhagalpur. at present working as Anusewak & posted at Design Division No.-2, Department of Water Resources, Bhagalpur.
 2. Ajeet Kumar Singh, Son of Late Anil Kumar Singh, Resident of Qr. No.-F/10, Mohalla- Sichai Colony, Jawaripur, Jail Road, Bhagalpur, P.S.- Tilkamanjhi, District- Bhagalpur. at present working as Anusewak & posted at Design Division No.-2, Department of Water Resources, Bhagalpur.
 3. Krishnanand Bhagat, Son of Late Jagannath Bhagat, Resident of Mohalla- Sakullachak (Deputy Bari), P.S.- Babarganj (Mojahidpur), District- Bhagalpur, at present working as Anusewak & posted at Design Division No.-2, Department of Water Resources, Bhagalpur.
 4. Basant Murmu, son of Late Nand Kishore Murmu, Resident of Village- Motiyaari, P.S.- Haveli Kharagpur, District- Munger, at present working as Anusewak & posted at Sichai Division, Baushi, District- Banka.
 5. Sonelal Mandal, Son of Late Narayan Mandal, Resident of Village- Mahadeopur (Ward No.-01), P.S.- Haveli Kharagpur, District- Munger at present working as Anusewak and Posted at Irrigation Circle, Kharagpur, District- Munger.
 6. Ram Kumar Sharma, Son of Late Awadh Prasad Sharma, Resident of Janata Flat No.-14, Housing Board Colony, Barari (Bhagalpur), P.S.- Barari, District- Bhagalpur, at present working as Head Clerk and Posted at Design Division No.-2, Department of Water Resources, Bhagalpur
- Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Water Resources, Sichai Bhawan, Old Secretariat, Bihar, Patna.
 2. The Under Secretary to the Government, Department of Water Resources, Sichai Bhawan, Bihar, Patna.
 3. The Chief Engineer, Department of Water Resources, Barari, Bhagalpur.
 4. The Superintending Engineer, Design Circle, Department of Water Resources, Bhagalpur.
 5. The Superintending Engineer, Irrigation Circle, Department of Water Resources, Bhagalpur.
 6. The Superintending Engineer, Irrigation Circle, Department of Water Resources, Kharagpur, District- Munger.
 7. The Executive Engineer, Design Division No.-1, Department of Water Resources, Bhagalpur.
 8. The Executive Engineer, Design Division No.-2, Department of Water Resources, Bhagalpur.
 9. The Executive Engineer, Irrigation Division, Bausi, Department of Water Resources, District- Banka
- Respondents

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Appearance :

For the Petitioner/s : Mr. Kalika Nand Jha, Adv.

For the Respondent/s : Mr. Fakhruddin Ali Ahmad, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-01-2018

Heard Mr. Kalika Nand Jha, learned counsel for the



petitioners and Mr. Fakhruddin Ali Ahmad, learned AC to AAG-12, for the State.

The petitioners herein pray for issuance of a writ in the nature of mandamus commanding the respondents to consider their cases for promotion.

While petitioners no. 1 to 5 are holding the post of Anusewak which is a Class IV post, petitioner no.6 was holding the post of Clerk which is a Class III post but has since superannuated. It is because the case of these petitioners was not being considered for promotion that placing reliance on the resolution of the General Administration Department bearing Memo No. 511 dated 22.2.2011 and the resolution of the Finance Department dated 31.3.2011, copies of which are enclosed at Annexures 1 series to the writ petition, these petitioners came before this Court for appropriate direction to respondents for consideration of their respective cases for promotion.

According to Mr. Jha, while such benefits have been granted in other divisions, the benefit eludes these petitioners who are posted at Bhagalpur.

A counter affidavit was initially filed on behalf of respondents no. 3 to 9 i.e. the authorities of Water Resources Department, who practically accepted the position and informed that a final seniority list of Group 'D' employee in different offices was published on 18.2.2015 in so far as petitioners no. 1 to 5 are



concerned and similar list of Class III post of Assistant Administrative Officer was published on 11.4.2015 so far as petitioner no.6 is concerned, copies of which are placed at Annexures 'A' and 'B' of the counter affidavit. It is further mentioned at paragraph 7 that the case of the petitioners for promotion is to be considered by a Departmental Promotion Committee and for which the Principal Secretary, Water Resources Department was requested by the Chief Engineer, Water Resources Department through letter No. 1318 dated 25.5.2016 for constitution of a Departmental Promotion Committee but the decision is awaited. It is further mentioned that no sooner a Promotion Committee is constituted that follow up steps would be taken.

Since by filing a rejoinder the petitioners placed on record an order bearing Memo No. 786 dated 14.7.2016 of the Water Resources Department to inform that the Departmental Promotion Committee had already been constituted in response to the request made by the Chief Engineer that the Chief Engineer was directed to clarify the position by this Court vide order passed on 2.1.2018 and following which a supplementary counter affidavit is filed explaining the situation and paragraph 7 thereof gives the schedule for consideration of the case of the petitioners for promotion. It is mentioned that the publication of the draft gradation list would take place on 24.1.2018, the publication of final gradation list would take



place on 16.2.2018 and the date of meeting of the Departmental Promotion Committee is fixed for 23.2.2018 and whereafter those found suitable would be issued promotion letters. It is informed by Mr. Jha, learned counsel for the petitioners that in the meanwhile petitioner no.6 has superannuated on 31.8.2017 i.e. during the pendency of the writ petition.

Having heard learned counsel for the parties and in view of the position explained by the Chief Engineer as the Chairman of the Departmental Promotion Committee at paragraphs 7 and 8 of the supplementary counter affidavit filed on 8th January, 2018, for the present I do not intend to express any opinion on the merits of the claim before a decision is taken by the Departmental Promotion Committee on the same but while disposing of the writ petition, I deem it proper to direct the Chief Engineer, the respondent no.3, as the Chairman of the Departmental Promotion Committee, to consider the claim of the petitioners for promotion in the backdrop of the submissions noted hereinabove. The Chief Engineer would abide by the schedule and not delay the issue any further.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2018
Transmission Date	NA

