

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16602 of 2014

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Parmeshwar Sah Son of Late Awadh Narayan Sah resident of village - Nirmali,
Police Station Nirmali, District – Supaul Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Development
Department, Government of Bihar, Patna
 2. The District Magistrate, Darbhanga
 3. The Sub - Divisional Officer, Biraul, Darbhanga
 4. The Establishment Deputy Collector, Darbhanga
 5. The Circle Officer, Tardih Circle Officer, District - Darbhanga
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Kripa Nand Jha, Advocate

For the Respondents : Mr. Nagendra Prasad Yadav, SC 23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

It is submitted by petitioner's counsel that though the
respondents are taking work from the petitioner since 1996, till date
notification of his regular promotion to Class III post under 15%
quota has not been issued to his prejudice.

Respondents have filed a counter affidavit. Their stand is
that the petitioner is at Serial no. 106 on the panel prepared and as
per seniority his case shall be considered in accordance with the
existing policy by way of appointment after observing the roster
and other formalities.

Learned counsel for the petitioner submits that till regular



promotion is not granted he may be paid at least additional 20% of salary for the work discharged by him on the higher post in accordance with the provision of the Bihar Service Code, as the respondent authorities have been taking work of the higher post.

Let the claim of the petitioner be considered and decided by the respondent District Magistrate, Darbhanga (respondent no.2). It would be open to the petitioner to submit a comprehensive written claim before respondent no.2 within four weeks stating his grievances. Respondent no.2 would be obliged to take a final decision on the admissible claim of the petitioner within a period of eight weeks from the date of receipt/production of the written claim/representation along with a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

