

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2306 of 2019

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Satya Prakash Sharma s/o Ram Palak Sharma R/O Vill- Brijnarayanpur,
Chandmari, Police station- Danapur in the district of Patna

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal secretary, Home (Jail) Department, Govt. of Bihar, Patna
2. The Secretary , Home(Jail) govt. of Bihar, Patna
3. The inspector General, Prison, and Correctional Services, Govt. of Bihar, Patna
4. The superintendent of sub jail Patna City, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad (SC-8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 13-02-2019

The petitioner was initially appointed as contingent menial in the year 1998 and was later regularized in Group 'D' post. Later, a rule was framed namely, Bihar Jail Nai Safai Mazdoor Appointment Rules of 2011 governing the services/appointments of Barbers and Cleaners, in different jails in the State of Bihar.

Pursuant to the aforesaid rules, the services of the petitioner was regularized. In the meantime, the Government took a decision to amend the rules whereby employees of Group 'D' category, having requisite



qualification of Clerk, would become eligible for being promoted to the Group 'C' category Clerk without any departmental examination. This resolution was gazetted in the year 2011.

It has been submitted on behalf of the petitioner that 15% of the posts of Group 'C' is required to be filled up from Group 'D' category persons whereas 85% of the seats are to be filled up by way of direct recruitment. It is the case of the petitioner that some of the persons working in Group 'D' post have been promoted to Group 'C' post, but the 15% quota has not yet been filled up and there are still vacancies available.

The petitioner is aggrieved by the fact that despite his eligibility for being promoted to Group 'C' post under the aforesaid resolution of the State Government and his being qualified for the same, such promotion has not been given to him.

This court has not been provided the source of information to the petitioner that the 15% quota referred



to above has not yet been filled up and there are still vacant posts in that category.

In any view of the matter, this court, on the assertion made on behalf of the petitioner, directs him to file a representation before the I.G. (Prisons) Government of Bihar, within a period of four weeks, who after verifying the aforesaid assertion of the petitioner and other attendant facts, shall pass a reasoned order within a period of six weeks thereafter. In case the claim of the petitioner is found to be tenable, necessary sequel order shall also be passed by the I.G. (Prisons).

With the aforesaid direction, this writ petition is disposed of.

(Ashutosh Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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