

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6005 of 2019

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1. Deeplal Sah, male, aged about 56 years, Son of Sri Nathuni Sah, Resident of Village- Ganguli, P.O. Thahar,P.S. Aurai, District - Muzaffarpur, Presently working as a Peon in the District Election Office, Muzaffarpur, District - Muzaffarpur.
 2. Sanjay Kumar, male, aged about 31 years, Late Anil Kumar Gupta, Resident of village- Dadar, P.O. Kolhua Paigambarpur, P.S. Ahiyapur, district- Musaffarpur, presently working as a peon in the Anchal Office, Saraiya, District- Muzaffarpur.
 3. Bambam Kumar Mishra, male, aged about 35 years, Son of Late Radhey Shyam Mishra, Resident of Village - Rasoolpur, P.O. - Bishundutpur, P.S. - Karja, District - Muzaffarpur, presently working as a Peon in the District Establishment Section, Muzaffarpur, District - Muzaffarpur
 4. Pankaj Kumar, male, aged about 26 years, Son of Late Chandeshwar Singh, Resident of Village and P.O. Sirsiya Jagdish, P.S. -Kathaiya, District - Muzaffarpur, working as a Peon under Muzaffarpur Collectorate, District - Muzaffarpur
 5. Suraj Kumar, male, aged about 25 years, Son of Late Ramchandra Prasad, Resident of Mohalla - Court Campus, Near Bharat Restaurant, P.O. - Head Post Office, P.S. - Muzaffarpur Town, District - Muzaffarpur, presently working as a Peon in the district Nazarat Section, Muzaffarpur, District - Muzaffarpur.
 6. Ritesh Kumar, male, aged about 30 years, Son of Late Ram Ayodhya Baitha, Resident of Village - Dharopali, P.O. - Karnaul, P.S. - Sahebganj, District - Muzaffarpur, presently working as a Peon in the Block Development Office, Kanti, District - Muzaffarpur.
 7. Amit Kumar Chandan, male, aged about 29 years, Son of Late Kedar Prasad, Singh Resident of village and P.O. Bharwari, P.S. Sakra, District - Muzaffarpur , presently working as Peon in the Block Development Office, Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur, District - Muzaffarpur.
5. The District Nazarat Deputy Collector, Muzaffarpur, District - Muzaffarpur.
6. The Senior Deputy Collector Incharge, District Establishment Section, Muzaffarpur, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.
For the Respondent/s : Md. Nadim Seraj (GP-5)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 18-04-2019

Pursuant to the provisions contained in Bihar
Collectorate Clerical Cadre (Appointment and Service
Condition) Rules, 2011 (*in short the Rules*), which has been
amended in year 2013, some of the persons have been
given promotion from Group-D to Group-C, whereas the
petitioners have been left out. The relevant clauses of the
aforesaid Rules mandate that 15% of the post in Group-C
has to be filled-up from amongst employees falling in Group-
D, subject to the condition that those employees have
attained Intermediate degree. Before the amendment in the



relevant Rules, the requirement was of Matriculation.

2. Some of the Group-D employees had come before this Court for a direction to the respondent authorities to give them promotion to Group-C. A direction was issued by this Court to the concerned respondent to dispose off their representations. Pursuant to aforesaid direction passed by this Court on 05.02.2018 in C.W.J.C. No. 6181 of 2017, a Panel of eligible employees for being promoted from Group-D to Group-C, was prepared in which the names of the petitioners also figured. However, only such persons who had approached this Court earlier were promoted to Group-C posts and the petitioners have been left out.

3. Mr. Vijay Kumar Singh, learned Advocate for the petitioners submits that the only reason for ignoring and bypassing the claim of the petitioners is of their not having approached this Court for a similar direction. This, according to the submission of the learned counsel for the petitioner, is against the litigation policy of the State of Bihar.

4. Md. Nadim Seraj, learned Advocate representing the State, has, however, submitted that the



petitioners have only brought on record a part of the Panel and in the absence of any instructions from the Department, no statement could be made with respect to the case of the petitioners.

5. Notwithstanding the aforesaid prayer of the counsel for the State, this Court deems it appropriate to direct the District Magistrate, Muzaffarpur (respondent No. 4) to dispose off the representations of the petitioners, which they shall file afresh within a period of two weeks from today, within a period of six weeks thereafter.

6. While saying so, this Court has taken into account that the earlier representations of the petitioners, detailing their grievance with respect to their claim having been bypassed, has been left unattended till date.

7. While passing order, the concerned respondent No. 4 shall take into account that the petitioners were also eligible for being promoted and in the event of there being a limited quota for such promotion, it was only incumbent upon the concerned respondent No. 4 to have taken note of the seniority in the Panel for promoting the



petitioners. It would not be justified to now reject the claim of the petitioners on the ground that 15% quota, reserved for promotion of Group-D employees to Group-C, has been filled up. If at all such a situation is found by the concerned respondent No. 4, the cause of such situation would be required to be explained by the concerned respondent in the order which he shall pass on the representations of the petitioners.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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