

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6077 of 2015

Govind Sharma son of Late Domi Sharma, Resident of Village and P.O- Patuosha, P.S and District- Saharsa, at Present posted as Rller Khalasi, P.W.D., Road, Sub- Division No.1. Saharsa.

... .. Petitioner

Versus

1. The State Of Bihar through Works Commissioner PWD Road Circle Saharsa
2. Principal Secretary P.W.D. Patna, Bihar.
3. The Superintendent Engineer, P.W.D., Road Circle, Saharsa.
4. The Chief Engineer, P.W.D., Road, Darbhanga.
5. The Executive Engineer, P.W.D., Road Division- Saharsa.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore
		Mr. Nafisuzzoha
For the Respondent/s	:	Mr. Pankaj Kumar Singh AC to GA 9

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-04-2019 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

Petitioner's claim for promotion from grade IV to grade III has been raised in the instant writ proceeding.

During pendency of the writ proceeding original writ petitioner has passed away on 25.9.2017. I.A. No. 1 of 2019 has been filed praying for substitution of the legal heirs in place of the original writ petitioner.

The I.A. stands allowed.

Mr. Shivendra Kishore, Senior Counsel appearing for the petitioner, submits that the claim of the petitioner was earlier



not considered having regard to the fact that originally petitioner had served the Department as work charge employee. The status of the period spent as work charge employee now stands covered by the judgment of the Full Bench in the case of ***Mobina Khatoon vs. State of Bihar*** which is reported in ***2019(2) BLJ 9***.

Placing reliance on the said Full Bench judgment he submits that respondents are obliged to consider petitioner's claim having regard to the law laid down by the Full Bench. In this regard, he submits, he would be submitting his claim for the benefits including pensionary benefits of the original writ petitioner before respondent No. 2.

In the event such a claim is made by the petitioner, respondent authorities would be obliged to consider the same and if there is no impediment against the claim of the petitioner then the same should be considered favorably. This Court would observe that if the petitioner's case is covered by the decision of the Full Bench the respondents under their own State Litigation Policy, 2011 would be obliged to consider petitioner's claim as "covered matter" in terms of Clause 4(c)(i) of the State Litigation Policy.

The petitioner would be at liberty to file his



application before respondent No. 4 within a period of four weeks. In the event such an application is filed, the same shall be disposed of in the light of observations in this regard within a period of eight weeks thereafter.

The writ petition is disposed of.

(Madhuresh Prasad, J)

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