

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16211 of 2016

-
-
1. Tapeswar Mishra and Ors Son of Late Madan Mishra resident of village - ITI Digha, P.S. Digha, District Patna
 2. Sheochandra Prasad Son of Late Ramdeo Mahto
 3. Madan Mohan Mahto Son of Late Simrikh Mahto
 4. Ram Nath Choudhary Son of Late Chandra Choudhary All resident of village - I.T.I. Digha, P.S. Digha, District Patna

... .. Petitioners

Versus

1. Through the Principal Secretary, Labour Resources Government of Bihar Patna
2. The Principal Secretary General Administration Department, Bihar, Patna
3. The Director, Directorate of Employment and Training Bihar, Patna
4. The Principal Industrial Training Institute, Digha, Patna

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Mr. Dhananjay Kumar Tiwary
For the Respondent/s	:	Mr. Vipin Kumar Singh, AC to Sc22

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-05-2019 Matter has been listed today in the Summer Vacations as the learned Counsel for the petitioners was desirous for consideration of his case during vacation.

The slip for listing was filed pursuant to notice dated 8th May, 2019, published prior to the Vacation.

The matter is, accordingly, taken up for consideration as both parties are present and willing to assist the Court for disposal of the matter.

It is submitted by the parties that the claim of the



petitioners for being considered for promotion from Grade IV to Grade III on the basis of qualification of Matriculation, since they are working since prior to 2014, is an issue which is being considered by the General Administration Department. In this regard reference is drawn to the stand of the state government in Paragraph Nos. 11 to 13 of the counter affidavit.

It appears that process for filling up the promotional quota against 15% vacancy was initiated.

Letter dated 2.9.2016 was issued to the field offices seeking information regarding eligible candidates who were intermediate pass for appointment by way of promotion to the Clerk cadre pursuant to the Bihar Training-wing/Institutes Clerk Cadre Rules, 2011 read with its amendment. The said letter dated 2.9.2016 is impugned in the instant writ petition.

Petitioners have alleged discrimination on the ground that though they were senior in the panel prepared, however preference is being given to Intermediate pass candidates, below them in the panel.

Pursuant thereto, as per the stand of the State, an opinion has been sought from the General Administration Department on the point of fixation of criteria for selection of eligible employees for Group IV category for promotion to



Clerk cadre. Since it is the stand of the State authorities that the issue is pending consideration before the General Administration Department it is agreed that keeping the writ petition pending would serve no useful purpose.

The petitioners have also filed an Interlocutory Application bearing I.A. No. 8705 of 2016 seeking to amend the prayer, so as to challenge recommendation dated 9.9.2016 of the Promotion Committee.

Since the admitted issue is that the entire issue is pending consideration before the General Administration Department the writ petition is disposed of with a direction to the Principal Secretary, General Administration Department, represented to take a final decision in the matter expeditiously without any delay and send its opinion in this regard. The final decision should be taken preferably within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

It is needless to say that on receipt of such opinion the concerned respondent should proceed expeditiously in the matter.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

