

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4456 of 2019

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1. Harendra Pandey S/o Rajdev Pandey Resident of Village-Basila Khas,Gopalganj,P.S. and Dist.-Gopalganj
 2. Harinandan Sharma S/o Ram Raj Sharma Resident of Village-Rampur,Deoria,P.S. Balkta Dist.-Uttarpradesh
 3. Arbind Kumar S/o Shivshankar Mahto Resident of Mohalla-Shiv Bhawan East of Rajendra Bus Stand,Ward No.21,Gopalganj,P.S. and Dist.-Gopalganj
 4. Manjeet Kumar S/o Dinesh Singh Resident of village Amlori,Siwan,P.S. and Dist.-Siwan
 5. Arbind Kumar Pandey S/o Janardhan Pandey Resident of Village Mathia,P.O. Maniyara,P.S. Kuchay,Dist.-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department,Govt. of Bihar,Patna
3. The Engineer-in-Chief, Rural Works Department,Govt. of Bihar,Patna
4. The Chief Engineer-3, Rural Works Department,Govt. of Bihar,Patna
5. The Superintending Engineer, Rural Works Department,works Circle,Siwan,Dist.Siwan
6. The Executive Engineer, Works Division,Gopalganj-1,dist.-Goapalganj
7. The Executive Engineer, Rural Works Department,Works Division,Siwan-2,Dist.-Siwan
8. The Executive Engineer, Rural Works Department,Works Division,Gopalganj-1,Dist.-Gopalganj
9. The Executive Engineer, Rural Works Department,Works Division,Hathua,Dist.-Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi Advocate Ms. Shally Kumari Advocate
For the Respondent/s	:	Mr. P. N. Shahi AAG6

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 11-03-2019



Heard Mr. Siya Ram Sahi, the learned counsel for the petitioners and Mr. P. N. Sahi, learned A.A.G. - 6, for the State.

2. The petitioners have approached this Court for a direction to the concerned respondents for giving effect to the provisions contained in Rural Works Department Field Clerical Cadre (Recruitment and Service Conditions) Rules, 2014 and promote them to the higher post of Lower Division Clerks from the Feeder Class-IV post to the extent of 15%.

3. The petitioners were appointed as "Peons" in the Rural Works Department sometimes in the year 1991, 1997, 2008, 2010 and 2012, respectively. The rules referred to above came into effect from 30.06.2014. Rule 5(1) of the aforesaid rules specifies that 85% posts of Lower Division Clerks shall be filled up by direct recruitment whereas 15% of the post shall be filled from amongst Group-D employees holding qualification for appointment to the post of Lower Division Clerk. The qualification also for such promotion has been fixed by virtue of Rule 6(1) which enjoins that only such persons will be considered for being promoted to the higher



post of Lower Division Clerk who have the qualification of Intermediate/10+2 or knowledge of computer operation and typing.

4. It is the case of the petitioner that 400 posts of Class-III in the Rural Works Department under Chief Engineer-III has been sanctioned and a direction also has been given to all the Chief Engineers of the Rural Works Department by the Government of Bihar to prepare a gradation list by mid of 2016, so that the list of promotion could be published. A gradation list has been formulated and published and the names of the petitioners are included in the aforesaid gradation list at Serial Nos. 27, 31, 56, 61 and 65, respectively. Despite this, the learned counsel for the petitioners submits that the benefit of promotion under the 15% quota has not been given to the petitioners and their likes.

5. Learned counsel for the petitioners has also drawn the attention of this Court to the fact that some of the persons from Group-D posts, have after an order having been passed by a Bench of this Court in C.W.J.C.No. 10984 of 2017,



considered for being promoted to the higher post in the zone of Chief Engineer-2 of the Rural Works Department.

6. The petitioners have represented before the Chief Engineer-III, Rural Works Department, Government of Bihar, Patna ventilating their grievances and claim to be promoted to the higher post of Lower Division Clerk under the quota of 15% under the rules governing them but such representation has not yet been responded or given effect to.

7. This Court deems it appropriate, therefore, to direct the petitioners to prefer a fresh representation before the Chief Engineer-III, Rural Works Department, Government of Bihar, Patna (respondent no. 4) along with the copy of this order and the details of the service history of the petitioners, within a period of three weeks from today. On receipt of such representation/application, the same shall be disposed of by the concerned respondent within a period of four weeks thereafter especially taking into account that the 15% reserved/earmarked post of Lower Division Clerks is to be filled up from amongst Group-D employees and which posts are still vacant, according to the vacancy position given by the Chief



Engineer-III, Rural Works Department, Government of Bihar,
Patna in the year 2016. In case the claim of the petitioners is
found to be tenable, necessary sequel order shall be passed
forthwith.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	12.03.2019
Transmission Date	

