

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9071 of 2019

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Jitendra Kumar Mishra Son of Late Rudal Mishra Resident of Village Lachhnawta (Missir Tola), P.O.- Dhamoura, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Sichhai Bhawan, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Sichhai Bhawan, Patna.
3. The Secretary, Finance Department, Old Secretariat, Patna.
4. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Sichhai Bhawan, Patna.
5. The Chief Engineer, Water Resources Department, Government of Bihar, Motihari, East Champaran.
6. The Superintending Engineer, Water Resources Department, Circle Bettiah, West Champaran.
7. The Executive Engineer Division-1 Water Resources Department, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kumar Tiwary, Advocate
For the Respondent/s : Mr.Harish Kumar (GP-8)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Grievance of the petitioner in the present writ application in sum and substance is that the respondents have not prepared gradation list/seniority list and without finalizing seniority list on pick and choose basis they are granting promotion



Learned counsel for the petitioner submits that basis of promotion is seniority cum merit and in such a situation, respondents are obliged to prepare gradation list first before granting promotion to any employee. He submits that after merger of their cadre the avenues of promotion depends on the preparation seniority list/gradation list.

Learned counsel submits that petitioner was initially in the cadre of Tahsil Sangrahaak and he has been adjusted in the cadre of irrigation but the respondents have not prepared consolidate seniority list .

Considering the fact that now the petitioner has been adjusted in the Irrigation Department, the respondents are require to prepare gradation list/seniority list of the petitioner alongwith other employee of the Irrigation Department and only after preparation of gradation list, the respondents may take steps for granting promotion to the post of Irrigation Revenue Inspector or any other promotional post.

Necessary decision as to preparation of final gradation list may be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order and thereafter take appropriate steps for grant of promotion to the promotional post within a further period of



three months.

With the aforesaid, the present writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

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