

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13173 of 2014

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1. Deepak Sharma Son of Shri Tarkeshwar Sharma resident of Village- Allapur, P.S.- Pachrukhi, District- Siwan.
 2. Sandeep Kumar Sinha Son of Shri Rameshwar Prasad Sinha Resident of Village- Gola Bazar, Near Askamini Mata, P.S and District- Buxar.
 3. Krishn Kumar Son of Late Ram Jivan Mahto resident of Village- Rambhadra Chand Tola, P.S.- Hazipur, District- Vaishali at Hazipur.
 4. Mohd Akbar Ali Son of Mohd. Salauddin resident of Village- Malkana, P.S.- Masaurhi, district- Patna.
 5. Smt Sushma Kumari Wife of Pradeep Kumar Verma resident of Mohalla- Ganga Vihar Colony, Near Beur Jail, P.S. Anisabad, District- Patna.
 6. Shiv Nath Yadav Son of Jageshwar Yadav resident of Village- Kharaua, P.S.- Rahika, District- Madhubani.
 7. Abhay Kumar Saksena Son of Late Jagannath Prasad resident of Village- Motha, P.S.- Karakat, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The Bihar Legislative Assembly Secretariat, Patna through its Secretary
2. The Secretary, the Bihar Legislative Assembly, Patna.
3. The Deputy Secretary, the Bihar Legislative Assembly, Patna.
4. The Under Secretary, the Bihar Legislative Assembly, Patna.
5. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Building, Patna
6. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat Building, Patna

... .. Respondent/s

For the Petitioner/s	:	Mr Manoj Priyadarshi, Advocate
For Respondents 1 to 4	:	Mr Rajendra Narayan, Sr Advocate with M/s Kaushal Kr Singh, Abhishek Kr Singh, Advs
For the S t a t e	:	Mr Sudhanshu Shekhar, AC to SC XXIV

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 23-07-2019

Heard learned counsel for the petitioners and the respondents.

2 Issue raised in the instant proceedings is regarding grant of promotion to the petitioners, who were earlier working as



Lower Division Clerk in respondent-Legislative Assembly Secretariat, as Assistant. During pendency of the instant proceedings, petitioners have been promoted as Assistant on 02.09.2015. Petitioner No 7 got his promotion on 24.10.2016. Petitioner's counsel submits that the issue does not end here as juniors to the petitioners, hundreds in number, have been promoted as Assistant with effect from 12.05.2014. He, therefore, submits that on account of juniors having been granted promotion with effect from 12.05.2014, at least, the petitioners should also be treated to have been promoted by shifting back their date of promotion to 12.05.2014.

3 Mr Rajendra Narayan, learned Senior Counsel appearing for the respondents submits that petitioners are in no position to claim the relief at this moment as the issue of policy as to what would be the modalities and how inter se seniority would be determined of the petitioners vis-a-vis hundreds of persons referred to by the petitioners is still pending consideration before the authorities. It is only when the issue is decided that the petitioners may or may not be required to agitate their rights in Court.

4 The issue regarding determination of inter se seniority of the petitioners vis-a-vis those hundreds of persons



with whom the petitioners claim seniority, and who have been granted promotion on an earlier date is pending consideration before the respondent-authorities.

5 In the circumstance, the petitioners' counsel submits that the issue should be given a finality by the authorities and cannot be kept pending for an indefinite period.

6 Mr Narayan, learned Sr Counsel for respondent-Assembly, therefore, submits that since the claim has to be considered having regard to a large number of persons, the respondents require a reasonable time to examine the issue as the same involves a policy decision which is to be taken at the highest level. He submits that six months should suffice to conclude the process of determination of the policy issue.

7 In view of the aforesaid submission of the learned Senior Counsel, writ petition is disposed of. Authorities should make all endeavours to ensure that the time frame, which has been given in Court today, is adhered to.

8 Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2019
Transmission Date	NA

