

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.415 of 2015

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1. Prem Pushap Kumar and Ors Son of Ram Janam Sharma, Resident of Village and P.O.- Arai, Police Station- Daudnagar, District- Aurangabad Bihar
 2. Manoj Kumar, son of Sri Badri Shah, resident of 403, Rounak Vatika Apartment, Akashwani Road, Khajpura, Police Station Shastri Nagar, District- Patna- 800 014
 3. Shambhu Kumar Arya, Son of Late Narayan Prasad Mahto, resident of village- Kalyanpur, P.O.- Rahu, Police Station- K. Nagar, District- Purnea
 4. Sukar Paswan, son of Late Shyam Sundar Paswan, resident of village- Maudihra, P.O.- Rajpur, Police Station- Natwar, District- Rohtas at Sasaram Bihar
- Petitioners**

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna
3. The Principal Secretary-cum-Commissioner, Department of Commercial Taxes, Govt. of Bihar, Patna
4. The Under Secretary, Department of Finance, Govt. of Bihar, Patna
5. The Joint Secretary, Department of Finance, Govt. of Bihar, Patna

... ... Respondents

Appearance :

For the Petitioners	:	Mr. Bindhyachal Singh, Advocate and Mr. Satya Prakash, Advocate
For the Respondents	:	Mr. Binod Kumar Yadav, S C 16

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 15-01-2019 Heard learned counsel for the petitioners as well as

learned counsel for the State.

It is submitted by Mr. Bindhyachal Singh, learned counsel for the petitioners that in view of the provisions contained in Gazette notification dated 24.11.2011 amending the Bihar Accounts Service Rules, 2000, it is only in case of non-availability of officials in the cadre at any level that ex-cadre officers can be posted, however posting of ex-cadre officer is being continued.

Relying upon 2013 Amendment Rules (Annexure B) State counsel *per contra* submits that petitioners in view of the



amendment of the Rules in 2013 can be posted in any District and in the Secretariat as per requirement as also the Assistant Commissioner, District Provident Fund Officer, as per requirement.

Mr. Singh submits that for seeking enforcement of the provisions contained in Rule 3 of the Bihar Accounts Service (Amendment) Rule, 2011 (dated 24.11.2011) petitioners would be approaching the Principal Secretary, Department of Finance, Govt. of Bihar, Patna (respondent no.2) by making a representation.

Petitioners would be at liberty to approach respondent no.2 by filing a representation in this regard within a period of four weeks. In case the same is done, respondent no.2 would be obliged to consider and dispose of the representation filed by the petitioner having regard to the instant Rules in this regard, by a reasoned and speaking order within four months thereafter.

Writ petition is disposed of.

(Madhuresh Prasad, J)

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