

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12622 of 2019

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Shashi Chandra Pandey, male, aged about 39 years, Son of Late Akhilesh Chandra Pandey, resident of Mahui Ramnagar, Ward No. 05, P.S.- Harinagar, District- West Champaran- 845103. At present Resident of G. Special Type IV, Gandak Colony I, Bettiah, District West Champaran- 845438.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Water Resources Department, Patna, Bihar.
2. The Engineer-in Chief Cum Special Secretary, Water Resources Department, Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Balmiki Nagar, West Champaran, Bihar.
4. The Superintending Engineer, Water Resources Department, Tirhut Canal Division, Bettiah, West Champaran, Bihar.
5. The Executive Engineer, Water Resources Department, Tirhut Canal Division No. 1, Bettiah, West Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Kumar Tiwary, Adv.

For the Respondent/s : Mr. Vinay Kriti Singh (GA2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 28-06-2019

The petitioner, who is serving the Bihar Water Resources Department, is aggrieved by the fact that he has not been promoted to Group-C for which he



is entitled and which has been given to other similarly situated persons working on Class-IV posts.

2. It has been submitted on behalf of the petitioner that he, at the time of appointment, had the matriculation degree and with the permission of the competent authority, he also acquired intermediate certificate as a private candidate in the year 2011. Thereafter, the petitioner has also acquired a degree in graduation. It has further been submitted that a decision was taken by the Finance Department, Govt. of Bihar in the year 2011 to promote such persons working in Group-D, *i.e.*, Class-IV to Class-III posts, who would have become eligible for promotion by acquiring necessary/requisite degree. On the basis of such acquisition of degrees by other persons working on Class-IV post, they were afforded promotion in the next higher group of Class-III. In the meantime, the Bihar Water Resources Department Field Clerical Cadre (Recruitment and Condition of Service) Rules, 2014 also came in existence. Under the aforesaid rules also,



there is a provision for promotion to Group-C post from amongst persons working in Group-D post.

3. Several representations were made by the petitioners for promoting him to a Class-III post, but to no avail.

4. Hence, the present writ petition.

5. The petitioner, under the aforesaid circumstances, is directed to make a fresh representation before the Superintending Engineer, Water Resources Department, Tirhut Canal Division, Bettiah, West Champaran (respondent No. 4) within a period of four weeks from today, ventilating his grievances and seeking his promotion to Class-III post in Group-C in accordance with the Bihar Water Resources Department Field Clerical Cadre (Recruitment and Condition of Service) Rules, 2014. The concerned respondent, on receipt of such representation, shall dispose off it by a reasoned order in accordance with law within a further period of six weeks thereafter.



6. With the aforesaid observation/direction,
the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.07.2019
Transmission Date	N/A

