

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6298 of 2015

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Shambhu Nath Ram S/o Late Sriram village- kasim, p.s- Dumraon, District-
Buxar At present residing at Gautambuddha Nagar, Pandey chowk, Godhna
Road, Ara, P.O. - Anaeeth, P.s- Nawadah, District- Bhojpur at Ara..

... .. Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Department of Road Construction, Bihar Patna
3. The Deputy SecretaryVigilence Road Construction Department, Bihar ,
Patna
4. The Joint Secretary, Road Construction Department , Bihar,Patna
5. The Chief Engineer, Central Design Organisation, , Road Construction
Department, Bihar, Patna.
6. The Chief Engineer, Road construction Department, Bihar, Patna
7. The Director , Quality Control, Road Construction Department, Bihar Patna
8. The Superintendent Engineer, Road Cosntruction Division Bhojpur- Buxar
at Ara.
9. The Executive Engineer, Road costruction Division, Buxar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar Sahay Mr. Ajay Nandan Sahay Mr. Chandra Mohan Jha
For the Respondent/s	:	Mr.Aag4- J.P. Karn

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 21-06-2019 Petitioner has moved this Court claiming promotion
as Deputy Director, Road Construction Department.

The case of the petitioner is that under the extant
Rules of 1999, namely Bihar Technical Service Rules 1999, the
petitioner was entitled to be considered and promoted as Deputy
Director from the post of Assistant Director having regard to the
provisions contained in Rule 3 and Rule 9 of the Service Rules



of 1999.

The department has filed a counter affidavit. They have enclosed an office order issued by the Chief Engineer dated 5.8.2016 wherein the petitioner has been shown at serial No. 4 in the seniority amongst the Assistant Directors. Referring to the said office order, State Counsel submits that since even as per the petitioner's claim only one person has to be taken amongst the Assistant Director the petitioner is not within the zone of consideration as he is not the person at the top rather he is at serial No. 4.

The position shown in the office order is seriously disputed by the petitioner's Counsel submitting that the same does not reflect true state of affairs. The petitioner has wrongly been placed at serial No. 4. It is therefore submitted by petitioner's Counsel; that he would be availing of his remedy against placement of his seniority at serial No. 4 in the office order dated 5.8.2016 in an appropriate proceeding.

With liberty as aforesaid the writ petition stands disposed of.

(Madhuresh Prasad, J.)

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