

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5497 of 2015

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Ranjan Kumar Shukla son of late Shiv Shankar Sukla resident of
villageTardhia, P.S. -Jagdishpur, district- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
 2. The District Magistrate, Banka.
 3. The Dy. Collector , Establishment Banka.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Advocate

For the Respondent/s : Mr. Jainendra Kumar Sinha, AC to SC 17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 29-01-2019

Heard learned counsel for the petitioner and the
respondent State.

Petitioner's claim is to be promoted on the post of Head
Clerk in the Collectorate, Banka.

It is his submission that for want of a gradation list of
Upper Division Clerk the post of Head Clerk is not being filled
up by way of regular promotion and work is being taken from
the petitioner in respect of the post a Head Clerk without
granting him regular promotion. The petitioner has approached
the District Magistrate, Banka requesting that a gradation list of
Upper Division Clerks be prepared and finalized in the District
of Banka so that regular promotion to the post of Head Clerk
may be granted. The District Magistrate is therefore, under legal
obligation to finalize the issue for creation of the gradation list
so that the claim of the petitioner for being appointed as Head



Clerk may be considered having regard to his long experience on the said post and seniority under the proposed gradation list in accordance with law.

The writ petition therefore, need not be kept pending as the gradation list is yet to be prepared and finalize by the respondent authority. However, keeping in view the fact that the petitioner has been made to work since long time as is submitted by the learned senior counsel, this Court would dispose off the writ petition with a direction to the respondent no. 2 to take a final decision for preparation and finalization of the seniority list of Upper Division Clerk in the district of Banka so that the petitioner's claim for regular promotion as Head Clerk with consequential benefits be considered in accordance with law.

Let the seniority list be prepared, and finalized in accordance with law by the respondent no. 2 within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

