

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14782 of 2019

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1. Harendra Prasad, male, aged about 52 years. Son of late Sheoji Prasad, Resident of Village and P.O. - Naini, P.S. Muffasil, District- Saran.
 2. Vinod Kumar Verma, male, aged about 50 years, Son of late Birendra Kumar Verma, Resident of Village-Barhan Gopal, P.S. Muffasil, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health Services, Govt. of Bihar, New Secretariat, Patna.
2. The Director-in-Chief, Disease Control Health Services, Govt. of Bihar, New Secretariat, Patna.
3. The District Magistrate, Siwan, District- Siwan.
4. The Chief Medical Officer-Cum-District Civil Surgeon at Siwan, District- Siwan.
5. Arun Kumar Ram, presently a Sr. Clerk posted at the Office of District Malaria Office, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Adv.
For the Respondent/s : Mr. Rajeshwar Singh (GA-10)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 25-07-2019

The petitioners have challenged the office order, bearing Memo No. 1204, dated 28.06.2019, whereby private respondent No. 5, a clerk, who is



junior to the petitioners in the seniority list, has been promoted to the post of Head-Clerk, leaving other eligible persons whose names are above him in the seniority list.

2. It has been submitted on behalf of the petitioners that pursuant to orders passed by this Court in various writ petitions including C.W.J.C. No. 15046 of 2012 (*Anandi Das Vs. The State of Bihar & Ors.*), C.W.J.C. No. 8893 of 2016 (*Ravi Shekhar Ojha Vs. The State of Bihar & Ors.*) and C.W.J.C. No. 9761 of 2015 (*Bhushan Prasad Vs. The State of Bihar & Ors.*), a necessity was felt for preparing the seniority list of Clerks in the District so that proper decision regarding promotion could be passed in the event of vacancy arising on such higher post.

3. Pursuant to the aforesaid resolution of the Department, a seniority list was prepared for the Clerks in the district of Siwan, in which, the name of the petitioners appeared at Serial Nos. 8 and 10 respectively. However, from the seniority list, it



appears that the services of most of the Clerks including the petitioners have not been confirmed. It appears that private respondent No. 5, whose name figures at Serial No. 33 in the seniority list but whose services are shown to have been confirmed, has been promoted to the post of Head Clerk. Perhaps, this could be the reason for leaving aside the candidature of the petitioners and promoting private respondent No. 5.

4. The learned counsel for the petitioners submits that when the seniority list has been prepared in accordance with the date of joining of the respective Clerks of the Health Department, Govt. of Bihar in a particular district, there was no reason why the services of the petitioners and others were not confirmed and they have been excluded for being considered for promotion to the higher post.

5. The writ petition does not contain the details with respect to reason for non-confirmation of the services of the petitioners and others, despite their



seniority in the Cadre of Clerk of the Health Department, Govt. of Bihar.

6. The petitioners, under the aforesaid circumstances, are directed to make a representation before the Chief Medical Officer-Cum-District Civil Surgeon, Siwan (respondent No. 4), detailing their grievances, within a period of four weeks from today, who, on receipt of such representation, shall, after verifying the facts, especially the reason why the services of the petitioners have not been confirmed and under such circumstance, a junior to them has been promoted to the higher post of Head Clerk, shall pass a reasoned order in accordance with law within a period of six weeks of the receipt/production of such representation.

7. If any anomaly in the service condition has crept because of departmental inaction, effort shall be made to remedy the same as early as possible.

8. The decision on the representation of the petitioners shall be communicated to them



immediately after such decision is taken on their representation.

9. 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	30.07.2019
Transmission Date	N/A

