

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15344 of 2019**

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Md. Mahmood S/o Late Md. Abid Resident of Agrawaltola, P.S.-Alamganj,  
District-Patna-7

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance,  
Government of Bihar, Patna
2. The Principal Secretary Department of Finance, Government of Bihar, Patna
3. The Director (Press) Printing and Stationary, Department of Finance,  
Government of Bihar, Patna
4. The Superintendent Bihar Secretariat Press, Gulzarbagh, Patna-7

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Lakmesh Marvind, Advocate  
For the Respondent/s : Ms. Anuradha Singh ( SC 21 )

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 02-08-2019**

Heard the learned counsel for the parties.

2. The petitioner was initially appointed on the post of Binder in the Government Secretariat Press, Gulzarbagh, Patna in the year 1989. At that time, there were two other sanctioned vacant posts of Cameraman-cum-Platemaker and Assistant Cameraman-cum-Platemaker against which posts, two persons were working. While the petitioner was still serving as a Binder, because of the necessity of Cameraman-cum-Platemaker without whom, the press could not have functioned



properly, the petitioner was asked to discharge the duties of Cameraman-cum-Platemaker also, which the petitioner did as an obedient employee. Later the petitioner was also transferred to Gaya in another unit of the press for performing the duties of a Cameraman-cum-Platemaker.

3. It has been submitted that despite the two posts falling vacant later, the management of the press did not consider it expedient to promote/absorb the petitioner on such sanction vacant post of Cameraman-cum-Platemaker.

4. The case of the petitioner was recommended by Superintendent of the press before the Director of the (Press), Printing and Stationary, Department of Finance, Government of Bihar, Patna but ultimately, for reasons which were not stated, by order dated 28.05.2019 contained in Memo No. 4589 issued by the Under Secretary of the Government in the Department of Finance, the prayer of the petitioner was rejected and the petitioner was asked not to enter into any correspondence



in that regard with the press or with the Finance Department. Thereafter, for sometime the petitioner stopped going to his office but later, on the asking of the management, he has again started working, though on the post of Binder but has actually been discharging his duties as Cameraman-cum-Platemaker.

5. Under the aforesaid circumstances, the petitioner has approached this Court for a direction to the respondent authorities to be gracious enough to absorb the petitioner on such post when his competence in the field has been tested and according to the self-estimation of the petitioner, his position has become indispensable for the functioning of the press.

6. The aforesaid self-certification of the petitioner may not be of great avail to him but considering the factual background and the number of times that the petitioner has been asked by the management of the press to perform the duties of Cameraman-cum-Platemaker, this Court can presume that the petitioner has the competence



and in the past, he has been discharging his duties to the satisfaction of the management of the press.

7. Under such circumstances, it does not appear to be unreasonable for the petitioner to make a request for his absorption on such post, which for all practical purposes is higher post, entailing higher pay with bigger responsibilities for which the petitioner is most suitable as on date. There is nothing on record nor has it been adverted to by the petitioner during the course of argument whether such posts are to be filled up by direct recruitment or through promotion from the post of Binder.

8. In any view of the matter, the claim of the petitioner is required to be considered by the authorities in proper perspective. If the recruitment to the post of Cameraman-cum-Platemaker or Assistant Cameraman-cum-Platemaker is to be made by a direct process of recruitment, the petitioner is required to be given weightage. If such posts has to be filled up from the post



of Binders, in that event also the petitioner is required to be considered.

9. The order referred to above dated 28.05.2019 whereby the claim of the petitioner has been rejected does not indicate any reason whatsoever. If there was any financial objection or procedural formality which had not been followed, those grounds ought to have been stated in the correspondence rejecting the claim of the petitioner.

10. It appears that the order dated 28.05.2019 has been passed without application of mind.

11. In any view of the matter, in the background which has been noted down, the claim of the petitioner requires a fresh consideration and a re-look considering that the petitioner has, for a long time, been rendering services as Cameraman-cum-Platemaker.

12. The petitioner, under the aforesaid circumstances, is directed to make a representation before the Director (Press), Printing and Stationary, Department of Finance, Government of Bihar, Patna (respondent no. 3)



with a copy to the Superintendent, Bihar Secretariat Press, Gulzarbagh, Patna (respondent no. 4) detailing his grievances. On receipt of such representation, the Superintendent, Bihar Secretariat Press, Gulzarbagh, Patna shall, on finding the claim of the petitioner to be genuine will forward the claim of the petitioner afresh before the Director (Press), Printing and Stationary, Department of Finance, Government of Bihar, Patna who shall take a decision in accordance with law within a reasonable period. If such representation is filed within a period of four weeks, necessary reasoned order in accordance with law shall be passed within a period of ten weeks thereafter.

13. With the aforesaid direction/observation, the writ petition is disposed of.

**(Ashutosh Kumar, J)**

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| AFR/NAFR          | NAFR       |
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