

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19012 of 2013

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Baleshwar Paswan, S/O Late Shanichar Paswan, Resident of Mohalla-
Jaganpura, P.S- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Secretary, Road Construction Department, Bihar, Patna.
2. The Joint Secretary, Road Construction Department, Bihar, Patna.
3. The Deputy Secretary, Road Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh-1, Advocate
		Mr. Siddhartha Kumar Singh, Advocate
For the Respondent/s	:	Mr.A.Ujjwal, SC-IV

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 21-02-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking relief for the
promotion to the post of Superintending Engineer cadre from the
date on which his juniors have been promoted in Scheduled Caste
category.

The petitioner, who is a member of schedule caste, has
entered into the service as Junior Engineer, was promoted on the
post of Assistant Engineer on 11.12.1987. Now the question has
come for promotion to the post of Superintending Engineer as
having been claimed that Basisth Narayan (sl.no.44), Arun Kumar
Mahto (sl.no.45), Navin Kumar (sl.no.46), Ram Awadhesh Kumar



(sl.no.47) and Laxmi Narayan Paswan (sl.no.48) were promoted earlier to the post of Executive Engineer vide letter no.6327 (J) dated 27.08.1996 and the petitioner was later on promoted on the post of Executive Engineer vide notification dated 16.03.2010 with effect from 27.12.1996 i.e. from the date his junior Bashishtha Narayan was promoted.

Learned counsel for the petitioner submits that his juniors Bashishtha Narayan and others have been promoted to the post of Superintending Engineer vide notification dated 30.07.2008 (Annexure-3) and notification dated 11.02.2011 (Annexure-6) but the petitioner has not been promoted to the post of Superintending Engineer and his case was never considered for promotion. He further submits that he has filed several representations dated 13.04.2010, 15.02.2011 and 10.06.2013 (Annexure-7 series) before the respondent authority but they are sitting tight over the matter without consideration of the promotion of the petitioner.

Even after the order dated 05.09.2016, no counter affidavit has been filed in the matter till date.

In such view of the matter, let the case of the petitioner be considered for promotion on the post of Superintending Engineer and if the respondent authority arrives to a finding in



favour of the petitioner, he will be granted promotion from the due date and all the decision making process should be completed within a period of three months from the date of receipt/production of a copy of this order.

The petitioner is directed to file a fresh representation along with the order and the authority will consider the same.

With this observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.02.2019
Transmission Date	N.A.

