

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17391 of 2015

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Shashi Bhushan Singh son of Sri Ragho Pd. Singh resident of Mohalla -
Collector Singh, Keshari Nagar, Police Station - Patliputra, District - Patna,
Member of Working Committee Subordinate Engineers Service Association,
Bihar, Patna

... .. Petitioner

Versus

1. The State Of Bihar
 2. The Principal Secretary of Animal and Fish Resources Department of the
State of Bihar, Patna.
 3. The Director, Fisheries, Directorate, Patna, Bihar.
 4. The Deputy Director, Fisheries, Directorate Headquarter, Patna
- Respondents

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Appearance :

For the Petitioner	:	Mr. Dhananjay Kumar, Advocate Mr. Sunil Prasad, Advocate
For the Respondents	:	Mr. Sushil Kumar Singh, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 22-01-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Petitioner has filed the instant writ petition claiming
that the respondents be directed to create cadre of engineers in
the Animal and Fish Resources Department of the State of
Bihar. It is complained that there are inadequate promotional
avenue in the Department and as such petitioner is deprived of
his right to consideration for career enhancement in the matter
of employment.

In counter affidavit State has placed on record a
recruitment rule framed under proviso to Article 309 of the
Constitution of India in respect of petitioner's service.
Notification is dated 13.9.2007. The Rules governing the



appointment and matters of promotion in respect of petitioner's service as known as Bihar Animal and Fish Resources (Fish) Service Recruitment Rules, 2007) (hereinafter referred to as 2007 Rules). The same provides avenue of promotion to the stage of Executive Engineer to members of engineering service in the said department such as the petitioner.

Stand has been taken by the State that the issue whether there should be a higher avenue of promotion above the rank of Executive Engineer in the department is a policy matter which has been taken by the respondents.

The Court is in agreement with the submission made by respondent State that it is for the State to take a policy decision in so far as the cadre in question is concerned. Apart from that this Court would observe that taking benefit of Rule 2 of the 2007 Rules, petitioner has become member of the services with effect from 13.9.2007. Till date he has not challenged the said recruitment rules and as such any relief contrary to or in excess of what is permitted in the 2007 Rules would not be maintainable at the instance of the petitioner.

Learned counsel for the petitioner submits that claim for actual enhancement and other ancillary matter and for creation of engineer cadre in the Department is pending



consideration as is evident from Annexure R/5 dated 22.11.2016 issued by the Deputy Secretary of the General Administration Department to the Principal Secretary, Government of Bihar, Patna.

Without expressing any opinion on the merits of the said submissions, the writ petition is dismissed.

However, it will be open for the petitioner to pursue the matter in light of the recommendation/communication dated 22.11.2016 before the authorities concerned.

(Madhuresh Prasad, J)

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