

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 856 of 2020

1. Ajay Kumar Son of Late Ganauri Rajak Resident of Mohulla- Old Jakkanpur, P.S.- Jakkanpur, District- Patna.
2. Anil Kumar Son of Sri Kishori Sahu Resident of Gautambudh Nagar Colony, P.S.- Bay pass (Patna), District- Patna.
3. Bhagwan Lal Son of Late Raghubanshi Nath Resident of Mohulla- Kishan Colony, Phase- I, Anisabad, P.S. Phulwari sharif, District- Patna.
4. Vijay Kumar Yadav S/o Late Dwarika Yadav R/o. Sanjay Gandhi Nagar, Road No. 3, Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The State of Bihar, through The Principal Secretary, Rural Work Department, Government of Bihar, Patna.
3. The Deputy Secretary, Road Construction Department, Government of Bihar.
4. The Engineer in Chief-cum- Additional Commissioner-cum- Special Secretary, Road Construction Department, Government of Bihar.
5. The Joint Secretary, Road Construction Department, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Tejendra Sinha, Bijay Kr Pandey, Advocates
For the Respondent/s	:	Mr Manoj Kumar Ambastha, SC XXVI
		Mr Balram Kapri, AC to SC XXVI

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-02-2020 Learned counsel for the petitioners is permitted to add the Joint Secretary, Road Construction Department, Bihar, Patna as Respondent No 5.

Heard learned counsel for the petitioners and the respondent-State.

The shifting back of the date of promotion is claimed



by the petitioners. The claim has been made by stating that others, from the same seniority list, have been granted such benefit under Notification dated 06.11.2018 issued by the Road Construction Department. The petitioners, however, have not been granted the benefit of shifting back of their date of promotion as Assistant Engineers. The application for such benefit, referring to the provisions contained in Clause 4.C (1) of the Bihar State Litigation Policy, 2011 has been made by the petitioners vide Annexure 4 before the Joint Secretary, Road Construction Department, Bihar, Patna.

The petitioner's counsel submits that the claim should be considered by the said Authority and having regard to the fact that others, similarly situated, have been granted the benefit, the same should be extended to the petitioners also and their promotion as Assistant Engineers should be shifted back with effect from 01.04.2010.

Let a final decision be taken by Respondent No 5, Joint Secretary, Road Construction Department, Bihar, Patna and if dues are found admissible, the same should also be paid to the petitioners.

Let the entire exercise be completed within three months from the date of receipt/production of a copy of this



order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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