

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.63 of 2020

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Archana Bharti W/o Late Niraj Kumar R/o Village Satayamcha, P.O.- Bhaser,
Machhaha, P.S.- Dumara, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Secretary General, Administration Department, Govt. of Bihar, Patna.
3. The District Magistrate, Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Dhananjay Kumar Tiwary
		Mr. Vijay Bardhan Panddey
For the Respondent/s	:	Mr. Anil Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-01-2020 The petitioner was appointed on compassionate ground on Class-IV post. She is seeking a direction to the respondents, particularly, the District Magistrate, Sitamarhi, to allow her promotion to Class-III post in accordance with Rule 8 of Bihar Collectorate Clerical Cadre (Appointment and Service Conditions) Rules, 2011.

It has been stated in the writ application that the petitioner does have the qualification for grant of promotion in accordance with the Rules and despite application having been made by her for grant of promotion, no decision has been taken so far.

It appears that the petitioner was appointed against Class-IV post in May, 2017. It is difficult for this Court to



comprehend the circumstance in which she is claiming her promotion to Class-III post less than two years within the date of her appointment on compassionate basis.

However, considering the facts and circumstances of the case, this application is disposed of with a direction that let process be initiated for promotion of employees working against Class-IV post to Class-III posts in accordance with the provisions under Rule 8 of the Rules, in the district, within a period of one month from today. The Court would expect the District Magistrate to ensure that the legislative intent, as appearing in Rule 8 of the Rules, is given full effect and eligible persons are allowed promotion in accordance with law, when they become eligible for such promotion. It is, therefore, observed that the District Magistrate should expeditiously conclude the process of promotion, preferably within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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