

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5877 of 2020

Indrajeet Kumar, Son of Late R.N. Ram, Resident of Jai Mahabir Colony,
Sandalpur, Road No. 5, Police Station Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
2. The Joint Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Advocate
For the Respondent/s : Mr. Syed Iqbal Ahmad (SC-20)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-12-2021

The petitioner has filed I.A. No. 1 of 2021 in so far as challenge to the order dated 05.08.2021 read with notification dated 06.08.2021 by which he was penalized in a disciplinary proceedings. Penalty order is not connected or intertwine issue with the main prayer in which the petitioner has sought for promotion. Accordingly, I.A. No. 1 of 2021 stands rejected reserving liberty to the petitioner to file an independent petition.

Heard the main matter.

The petitioner has sought for the following reliefs:

“That this writ application is filed for issuance of writ in the nature of mandamus directing the respondents to consider the case of the petitioner for promotion to the post of Chief Engineer in Road Construction Department with effect from 04.08.2014



with all consequential benefits the date from which his junior, Sri Raj Kumar Lal was so promoted.

That this writ application is further filed for issuance of writ in the nature of mandamus directing the respondents to consider and grant regular promotion to the post of Chief Engineer with effect from 04.08.2014 with all consequential benefits including seniority the date from which Sri Raj Kumar Lal, junior to the petitioner was so promoted”

The grievance of the petitioner is that he is entitled to be promoted to the post of Chief Engineer in Road Construction Department w.e.f. 04.08.2014 at par with his immediate junior one Shri Raj Kumar Lal. In this regard, the petitioner submitted representation on 31.01.2019 and the respondents have not acted upon either accepting or rejecting. Thus, the petitioner has presented this petition.

The concerned respondent is hereby directed to take note of the grievance as to whether the petitioner is eligible for promotion to the post of Chief Engineer at par with his immediate junior Shri Raj Kumar Lal w.e.f. 04.08.2014. The aforesaid decision shall be taken while passing a speaking order. If the petitioner is otherwise eligible, he shall be promoted w.e.f. 04.08.2014 from the date his immediate junior Shri Raj Kumar Lal was promoted. If he is not eligible, speaking order shall be passed as to why the petitioner is not eligible to be promoted to the post of



Chief Engineer in Road Construction Department w.e.f.
04.08.2014. The above exercise shall be completed within a period
of one month from the date of receipt of this order.

The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2021
Transmission Date	NA

