

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4292 of 2021

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Ishwar Nath Pandeya son of late Yogendra Pandeya Resident of Village-
Fatahpur, Police Station- Sheohar, District- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Bihar State Health Department,
Vikash Bhawan, Bailey Road, Patna
2. The Additional Secretary, Homeopathy State Health Department, Bihar,
Patna
3. The District Indigenous Medical Officer, Sitamarhi
4. The Homeo Medical Officer, State B.M.C.H. Dispensary, Bairangania,
Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

2 31-01-2022 The matter is heard via video conferencing due to

circumstances prevailing on account of COVID-19 pandemic.

State counsel accepts notice for respondents.

Petitioner's counsel is hereby directed to furnish hard
copy of the petition to the State counsel.

In the instant petition, petitioner has prayed for
following reliefs :-

(i) For direction to the respondent
authorities to promote the petitioner from Group 'D'
category to Group 'C' category as 'Clerk' under
Health Department of Government of Bihar, in the
light of Resolution No.2937 dated 31.03.2011 of the
Finance Department, Government of Bihar.

(ii) For direction to the respondents to



allow accordingly, the seniority to the petitioner from the date when the similarly situated persons promoted as 'Clerk category' in the light of Resolution No.2937 dated 31.03.2011 of the Finance Department, Government of Bihar and in consequent thereof, all consequential benefits permissible to the said post.

(iii) For any other relief/ reliefs as your Lordships may deem fit and proper in the background of existing facts and circumstances of the case and as well taking into account the mental agony and monetary loss suffered by the petitioner due to reluctant approach of the respondent authorities.”

Short question for consideration is whether the petitioner is entitled to be promoted to the post of Group-C Clerk category from Group-D or not. In this regard, the petitioner submitted representation on 09.03.2020 vide Annexure-5. He draws my attention towards Resolution No.2937 dated 31.03.2011. Therefore, the concerned respondent is hereby directed to examine particulars of the petitioner read with the aforesaid Resolution dated 31.3.2011 and decide as to whether the petitioner is entitled to be promoted to the post of Group-C clerk post or not. Such a decision shall be taken in passing speaking order within a period of two months from the date of receipt of this order and communicate the decision to the petitioner. If the petitioner is



found entitled, necessary monetary benefits be extended from the date it was due to him.

With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

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