

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5057 of 2021**

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Rajendra Prasad Singh S/o Late Deoki Singh Resident of Village- Suraj Man-  
sion Apartment, Flat No. 204, Road No. 8, East Patel Nagar, P.S. Shastri Na-  
gar, District- Patna- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in- Chief, Rural Works Department, Government of Bihar, Patna.
4. The Additional Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Principle Secretary, Finance Department, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate  
For the Respondent/s : Mr. Kumar Alok, SC 7

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

**Date : 16-02-2022**

This matter is heard *via* video conferencing due to cir-  
cumstances prevailing on account of the COVID-19 Pandemic.

Learned State counsel accepts notice for respondents.

Learned counsel for the petitioner is hereby directed to  
serve a copy of the petition on learned counsel for the State if it  
not already served.

In the instant petition, petitioner has prayed for the fol-  
lowing relief(s):-

*“For issuance of appro-  
priate writ/writs, order/orders, di-  
rection/directions to the Respon-  
dent authorities to consider the to*



*case of the petitioner for Promotion to the Post of Executive Engineer with all consequential benefits w.e.f. of 05.08. 2016 and subsequent promotion to the post of Superintending Engineer w.e.f. 18.02.2019 as on the aforesaid dates the Juniors to the petitioner have been given such promotion. The petitioner further prays for a direction on the respondents to pay the petitioner difference of arrear of salary on account of aforesaid to promotions from due date of payment to actual date of payment. The petitioner further prays for which he may be for any other relief (s) found entitled in the eye of law.”*

In support of the aforesaid relief petitioner has submitted representations on 28.06.2019, 08.12.2020 and 11.01.2021 (Annexure-6, 7 & 10). The concerned respondent has not taken any decision on petitioner's representations. Learned counsel for the petitioner relied on decision in LPA No. 1761 of 2010 decided on 15.07.2016. It is also submitted that as on the date of junior's promotion petitioner was fully qualified and eligible, therefore, he is entitled for promotion to the post of Executive Engineer w.e.f. 05.08.2016 and for the post of Superintending Engineer w.e.f. 18.02.2019.

The appointing authority for the aforesaid post is hereby directed to examine the eligibility of the petitioner. If the petitioner



is otherwise eligible he be promoted from the date of junior’s pro-  
motion. The appointing authority is also hereby directed to exam-  
ine whether as on the date of 05.08.2016 and 18.02.2019 petitioner  
was facing any disciplinary proceedings or criminal proceedings  
like issuance of charge memo and charge-sheet. He is also hereby  
directed to take note of decision **Union of India v. K.V. Janakira-  
man** reported in **(1991) 4 SCC 109**. If the petitioner has overcome  
the aforesaid hurdles in that event he be promoted from the date of  
his junior’s promotion, i.e., to the Executive Engineer and Superin-  
tending Engineer and extend all monetary benefits including ser-  
vice benefits. If the petitioner is not eligible in that event neces-  
sary speaking order shall be passed and communicated to the peti-  
tioner. The above exercise shall be completed within a period of  
four months from the date of receipt of this order.

With the aforesaid observations, the present writ petition  
stands disposed off.

**(P. B. Bajanthri, J)**

Vikash/-

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| AFR/NAFR          | NAFR |
| CAV DATE          | N/A  |
| Uploading Date    |      |
| Transmission Date | N/A  |

