

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3004 of 2022

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Surendra Kumar Sudhanshu Son of Late Hari Narayan Ram, Resident of New Colony, Pakari Ara, P.O. and P.S. - Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
2. The Joint Secretary, Planning and Development Department, Government of Bihar, Patna.
3. The Director, Directorate of Economics and Statistics (DES), Planning and Development Department, Government of Bihar, Patna.
4. The Additional Director, Planning and Development Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 12-04-2022

Heard learned counsel for the petitioner.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“a. For direction upon the Respondent No. 1 to consider and grant promotion to the petitioner in Pay Level – II and Pay Level – 12 i.e., on the post of Deputy Director and Joint Director after granting exemption from passing the departmental examination from the date of application of the petitioner submitted in the month of June, 2016 and extend all consequential benefits to the petitioner.

b. To hold that in view of Notification No. 666 dated 10.02.2010, Explanation -(2) issued by the



General Administration Department, Bihar, Patna the effect of punishment of censure awarded to the petitioner under Notification No. 409 dated 28.01.2022 has already come to an end in the year 2020 itself.

c. For direction to the Respondent No. 1 to consider and take an appropriate decision expeditiously upon representation of the petitioner dated 07.02.2022 and 10.02.2022 respectively by a reasoned and speaking order.

d. For any other relief/reliefs for which the petitioner may be entitled to.”

3. Petitioner’s grievance is relating to promotion to the post of Deputy Director and Joint Director. He was aged about 54 years in the year 2016 when he had submitted the application.

4. Learned counsel for the petitioner submitted that concerned respondent is required to take note of Bihar Government Servent Exemption from Passing of Departmental Examination Rules, 2018 which was notified on 06.03.2018.

5. The concerned authority is hereby directed to take note of petitioner’s representation read with Rule 3 of Rules 2018. Further service particulars of the petitioner and relevant provision of promotion to the post of Deputy Director and Joint Director after analyzing material information, proceed to pass order as to whether petitioner is entitled to the post of Deputy Director and Joint Director respectively or not? If he is entitled, in that event, order of promotion shall be passed after 06.03.2018 with reference



to Rules, 2018. If he is not entitled, in that event, necessary speaking order shall be passed and communicated to the petitioner as to why the petitioner is not entitled for promotion to the post of Deputy Director and Joint Director.

6. The above exercise shall be completed within a period of two months from the date of receipt of this order.
7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.04.2022
Transmission Date	

