

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18442 of 2014

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Vijay Kumar S/o Late Krishna Prasad Resident of Village - Samaspur, P.O. -
Fatuha, P.S. Fatuha, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary, Minor Water Resources Department Government of Bihar,
Vikash Bhawan, Patna.
3. The Project Coordinator-cum-Engineer-in-Chief, Minor Water Resources
Department, Vishweshwaraiya Bhawan, Govt of Bihar, Patna.
4. The Chief Engineer (North), Tubewell Project, Minor Water Resources
Department, Government of Bihar, Muzaffarpur.
5. The Superintendent Engineer, Tubewell Circle, Darbhanga.
6. The Executive Engineer, Tubewell Division, Madhubani.
7. The Sub-Divisional Officer, Tubewell Sub-Division, Jainagar, Madhubani.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Dhirendra Kumar Jha
For the State : Mr. Manoj Kumar AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner, has approached this Court, seeking
direction for his promotion in Class-III post.

3. Learned State counsel has appeared. Relying upon
a Circular dated 05-10-1991, as contained in Annexure-A to the
counter affidavit, it is submitted that the promotion from Class-
IV to Class III, in case of persons, who have been appointed on
compassionate basis, is not admissible.



4. Petitioner's counsel, however, submits that the Minor Water Resource Department has come out with a decision dated 31-08-2015 bearing No. 705, wherein, the Authorities have now decided that promotion may also be granted to those, who initially were appointed on compassionate grounds. The Bihar Collectorate Clerical Cadre (Recruitment and Service Condition) Rules, 2011 (for short 'Rules of 2011'), therefore, have to be read now in harmony with this decision of the State Government dated 31-08-2015. The decision of the State Government, relied upon, has come into existence much after filing of the instant writ petition. Therefore, there is no consideration as per the said decision. The counter affidavit rejecting the petitioner's claim was also sworn and filed prior to the decision dated 31-08-2015 relied upon by the petitioner's counsel. In the circumstance, learned counsel for the petitioner would approach the Authority in respect of his claim for promotion to a Class-III post, as per decision dated 31-08-2015.

5. In view of the aforesaid submissions and the facts and circumstances noted above, pendency of the instant writ application would serve no useful purpose. The writ application, therefore, is disposed of.

6. The petitioner would be at liberty to approach the



Authority for consideration of his case.

(Madhuresh Prasad, J)

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