

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6450 of 2022

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Rajeev Ranjan Son of Late Deep Narayan Tiwari, resident of Village-Sherpur,
P.O.-M.I.C., Bela, P.S.-Sadar, District-Muzaffarpur, presently posted as Clerk,
District Education Officer (Establishment), Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education Department, Govt. of Bihar, New Secretariat, Patna.
5. The Regional Deputy Director, Education, Tirhut Division Muzaffarpur, District-Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr.Madan Jeet Kumar (Gp 20)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2023 1. The present writ petition has been filed seeking the following relief(s):-

“(1) For Issuance of an appropriate writ in the nature of mandamus Commanding and directing the respondents to consider the claim of the petitioner for promotion to the post of Office Superintendent, keeping in view of the fact that there are Seven sanctioned post of Office Superintendent are available in Education department of Tirhut Division, Muzaffarpur and the petitioner is senior most clerk in Tirhut Division for notification has been made vide Memo No.1142 dated 07.12.2020 Issued under the signature of respondent no.5. and



grant all consequential monetary benefit thereupon.”

2. At the outset, the learned counsel for the respondents/State has referred to a gazette notification dated 13.10.2023, whereby and whereunder the Asthayi Sthanapann Karyakari Vyavastha Niyamawali, 2023 has been notified, wherein it has been postulated that since, right from 11.04.2019, promotions have not been granted to the members of the State service, steps shall be taken to grant promotion on ad-hoc basis and they shall also be given the pay scale of the higher post, however, the same shall be subject to the final outcome of the Civil Appeal pending before the Hon’ble Apex Court i.e., the one bearing Civil Appeal No. 4880 of 2017(*State of Bihar & Ors. vs. Sushil Kumar Singh & Ors.*).

3. Thus, it is submitted that the case of the petitioner for grant of promotion shall definitely be considered by the respondent-authorities, within a period of three months from today. It is directed accordingly.

4. Accordingly, the present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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