

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7164 of 2022

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Kumari Reeta @ Reeta Kumari Daughter of Late Ram Kailash Sinha, Wife of Anil Kumar Singh, resident of Village-Raja Bazar, Indrapuri, P.S.-Tialuthu, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Scheme, Bihar, Patna.
4. The Joint Director (Headquarters), Social Welfare Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Adv.
For the Respondent/s : Mr.S.K. Mandal (SC-3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

“1.(i) For issuance of writ in the nature of Certiorari for quashing of the speaking order contained in memo no. 1727 dated 28-03-2022 passed by the Joint Director, Social Welfare Department, Govt. of Bihar whereby the claim of the petitioner for promotion to the post of District Programme Officer (Rs. 15600-39100/-, Grade Pay Rs. 6600/-) has been rejected.

(ii) For issuance of necessary direction upon the respondent authorities to grant promotion to the petitioner from the post of Child Development Project Officer to the post of District Programme



Officer (Rs. 15600-39100/- grade pay Rs. 6600/-) w.e.f. 27-06-2018, i.e., the date on which the persons junior to the petitioner in the seniority list have been granted promotion to the post of District District Programme Officer.

(iii) For issuance of necessary direction upon the respondent authorities to pay all the consequential benefits including arrears of salary pursuant to grant of such promotion w.e.f. 27-06-2018.”

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 promotions have not been granted to the members of the State service right from 11.04.2019, steps shall be taken to grant promotions to them 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 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 by the learned counsel for the respondent-State that the case of the petitioner shall definitely be considered by the Additional Chief Secretary, Social Welfare



Department, Government of Bihar, Patna, for grant of promotion to the post of District Programme Officer and appropriate decision shall be taken, within a period of three months from today, without being prejudiced by the order dated 28.03.2022, issued by the Joint Secretary, Social Welfare Department, Government of Bihar, Patna. It is directed accordingly.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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