

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12046 of 2021

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Mohammad Wali @ Md. Wali Son of Late Abdus Sami Resident of Village - Fatehpur (Via- Sabour), Police Station - Zero Mile, Fatehpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer (Mechanical), Water Resources Department, 70/84, New Punai Chak, Patna.
4. The Superintending Engineer (Mechanical), Irrigation Electrical-cum-Mechanical Circle, New Harding Road, Barrack No. 4, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Adv.
For the Respondent/s	:	Mr.Lalit Kishore (AG)
		Mr.Sudhir Kumar Upadhyay, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-11-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1. That the present writ application is being filed for quashing of the reasoned order no. 09 contained in memo no. 152 dated 27.01.2020 whereby and where under the claim of the petitioner for grant of regular promotion on the post of Drafts Man-II and then on Drafts Man-I has been rejected in a mechanical manner without any application of mind.

The aforesaid rejected claim had been raised by the petitioner in pursuance of the direction contained in order dated 18.12.2019 passed in



C.W.J.C. No. 9054 of 2019 (Mohammad Wali Vs The State of Bihar & Ors.). The impugned order dated 27.01.2020 has been passed notwithstanding this fact that in the proceeding of the writ application bearing C.W.J.C. No. 9054 of 2019, the respondents have admitted this fact they are considering the promotion of the petitioner on the post of Draftsman-II and as per the information supplied under Right to Information Act, the respondents have admitted that there are 26 sanctioned posts of Draftsman in different offices under the Chief Engineer (Mechanical), Patna and all of them are vacant.

It is stated that under the law the respondents should have considered the case of the petitioner for promotion, with effect from the date the post is lying vacant, but instead of that the respondent illegally rejected the claim of the petitioner.”

2. At the outset, the learned counsel for the respondent-State submits that now, since the State Government has notified the Asthayi Sthanapann Karyakari Vyavastha Niyamawali, 2023, wherein it has been postulated that the cases of the Government employees shall be considered for promotion and provisional promotion shall be granted subject to the final outcome of the Civil Appeal, pending before the Hon'ble Apex Court i.e. Civil Appeal No.4880 of 2017 (State of Bihar and



Ors. vs. Sushil Kumar Singh and Ors.), the case of the petitioner shall also be considered for promotion, expeditiously, without being impeded by the order dated 27.01.2020, passed by the Chief Engineer (Mechanical), Water Resources Department, Government of Bihar, Patna. It is directed accordingly.

3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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