

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8321 of 2023

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Rajendra Prasad Singh S/o Late Deoki Singh Resident of Village- Suraj
Mansion Apartment, Flat No. 204, Road No. 8, East Patel Nagar, P.S.- Shastri
Nagar, District- Patna- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Special Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Additional Secretary, Rural Works Department, Government of Bihar, Patna.
6. The Principle Secretary, Finance Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Adv

For the Respondent/s : Mr.Ajay (GA5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 05-12-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1. That the instant writ application filed for
issuance of is appropriate writ/writs, order/orders,
direction/directions for quashing the order dated
14.07.2022 contained in Memo No. 3831 (Annexure-13)
passed by the Respondent No. 4 Special Secretary, Rural*



Work Department Government of Bihar in light of order dated 16.02.2022 passed given by this Hon'ble 505712021 Court in CWJC No. 5057/2021 (Rajendra Prasad Singh Versus The State of Bihar & others) whereby and where under the Respondent Special Secretary, Rural Work Department, Govt. of Bihar, violating the aforesaid order dated 16.02.2022 passed by this Hon'ble Court declined to consider the case of the petitioner to grant promotion on the post of Executive Engineer and subsequent promotion on the post of Superintending Engineer w.e.f. 05.08.2016 and 18.02.2019 respectively as on the aforesaid dates, the Junior to the petitioners have been given such promotion, on the pretext that as per order 5066 dated 11.04.2019 of General Administrative Department Govt. of Bihar the promotion of all state Government services as well as holding of D.P.C. meeting has been stopped, which is not sustainable in the eye of law because the petitioners case is not effected by the aforesaid order 5066 dated 11.04.2019. The petitioner further prays for a direction to the Respondent authorities to consider the case of the petitioner for Promotion to the Post of Executive Engineer with all consequential benefits w.e.f. of 05.08.2016 and subsequent promotion to the post of Superintending Engineer w.e.f. 18.02.2019 as on the aforesaid dates the Juniors to the petitioner have been given such promotion. The petitioner further prays for a direction to the



respondents to pay the petitioner difference of arrear of salary on account of aforesaid promotions from due date of payment to actual date of payment. The petitioner further prays for any other relief(s) for which he may be found entitled in the eye of law.”

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 respondents State that the case of the petitioner for grant of promotion shall definitely be considered by the Secretary, Rural Works Department, Govt. of Bihar, Patna i.e., the respondent no. 2, 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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