

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1386 of 2018**

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Nagendra Prasad Son of late Ghana Singh, Resident of Village and Post  
Office Raghapur, Police Station Jyrawanpur, District Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Engineer-in-Chief-Cum-Special, Secretary, P.H.E.D., Bihar, Patna, Bisheshwaraiya Bhavan, Bailey
3. The Chief Engineer, Mechanical, P.H.E.D., Bihar, Patna, Bisheshwaraiya Bhavan, Bailey Road, Patna.
4. The Superintending Engineer, P.H.E. Circle, Rabanshi Nagar, Patna, District Patna.
5. The Executive Engineer, P.H. Division, Hilsa District Nalanda.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Lalan Kumar Singh, Adv.    |
| For the Respondent/s | : | Mr. Maruth Nath Roy, AC to SC4 |
|                      | : | Mr. Arvind Ujjwal, SC4         |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

5      30-10-2023                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The present writ petition has been filed seeking  
direction to the respondent to consider and compute the entire  
length of service of work charge establishment period for the  
purpose of grant of benefit of assured career progression scheme  
with all consequential benefits.

3. Counsel for the petitioner submits that he has filed  
a detailed representation vide Annexure-9 before the Engineer-  
in-Chief -cum- Special Secretary, Public Health Engineering

Department, Bihar, Patna, but no order has been passed on his representation till date, thereafter, the petitioner has moved before this Hon'ble Court.

4. Counsel for the petitioner submits that petitioner's case is well covered under Annexure-6 i.e., order dated 24.11.2009 passed in **C.W.J.C. No. 14952 of 2009** in the case of **Yadunandan Prasad vs. The State of Bihar & Ors.** and in compliance of the said order, Memo No. 814 dated 24.09.2013 has been issued.

5. Counsel further submits that recently vide order dated 23.06.2023 passed in **C.W.J.C. No. 23710 of 2013**, the case of **Krishna Nandan Prasad and Anr. Vs. State of Bihar & Ors.** has also been decided. Counsel submits that under Clause 4 C(1) of the Bihar State Litigation Policy, 2011 which states as follows:-

*“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the*

*Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”*

6. Counsel further submits that a direction may be given to the Engineer-in-Chief -cum- Special Secretary, Public Health Engineering Department, Bihar, Patna (respondent-2) to pass a reasoned order on his representation and if it has been found that the petitioner's case to be squarely covered under the above mentioned two decisions, his matter shall also be decided in the same manner as per the Bihar State Litigation Policy, 2011.

7. Counsel for the State submits that as per the policy decision of the Government of Bihar enumerated in resolution no. 1071 of 2011 dated 17.10.2013 issued by Finance Department, the petitioner is not entitled for any relief. He also submits that the case of Yadunandan Prasad and Sheela Devi cannot be treated as precedent.

8. In the light of the submissions made by the parties, it transpires to this Court that the respondent ought to have pass order particularly in the light of the Bihar State Litigation Policy, 2011.

9. In this view of the matter, the Engineer-in-Chief -cum- Special Secretary, Public Health Engineering Department, Bihar, Patna is directed to pass a reasoned and speaking order on the representation filed by the petitioner within 60 days from date of production of this order.

10. With the aforesaid direction, the present writ application is hereby disposed of.

**(Dr. Anshuman, J.)**

Prakashmani/-

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