

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3400 of 2018

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1. Sanjeev Kumar Suman and Anr Son of late Upendra Prasad Yadav R/o Village- Ward No. 05 Mahassli Mehi Nagar, Madhepura, P.S. Madhepura, District- Madhepura.
 2. Kundan Kumar Son of late Visheshwar Yadav R/o Village Phulkaha, P.S. Gamahariya, Distt. Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Special Secretary, General Administration Department, Government of Bihar, Patna.
4. The Additional Secretary, General Administrative Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Finance Department Government of Bihar, Patna.
6. The Joint Secretary, Finance Department, Government of Bihar, Patna.
7. The District Magistrate-Cum-Chairman Departmental Promotion Committee, District Madhepura.
8. The Additional Collector, Establishment, Madhepura.
9. The Senior Deputy Collector, Establishment, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr. N.H. Khan, SC 1

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-09-2023 Heard Mr. Rajeev Kumar Singh, learned Counsel for
the petitioners and Mr. N.H. Khan, learned SC 1.

2. The present petition has been preferred for the
following reliefs:-

*(i) for quashing of meeting dated 11.12.2017
under the Chairmanship of Respondent No. 07 so far it*



relate to petitioners whereby and whereunder decision has been taken to finally close the gradation list for promotion to the class IV to Class III in the year 2014 Dist. Madhepura;

(ii) for respondent be directed to consider the case of petitioners and grant promotion on Class III post as per the government Rule/Circular;

(iii) for stay the proceeding of the meeting dated 11.12.2017 (Annexure-11) during pendency of the writ application.

3. The case of the petitioners is/are that they were appointed on compassionate ground in the Madhepura Collectorate on Class IV post on 31.08.2007.

4. It is his submission that there is/was provision of the State Government who fill the Class III post by 85 per cent direct recruit and 15 per cent of Class IV.

5. Both the petitioners were eligible for being considered for promotion to Class III posts. However, with the change of rules vide memo no. 16103 dated 18.12.2017, the passing in computer exam as also Hindi noting and drafting examination has been made made necessary and only thereafter, the selections can be confirmed.



6. It is his submission that the cases were under consideration but subsequent to the decision taken on 11.12.2017 under the chairmanship of the District Magistrate, the process came to an end.

7. Aggrieved, the present petition.

8. A counter affidavit on behalf of the District Magistrate, Madhepura is on record and paragraph 7 read as follows:-

“7. That it is submitted that service of both present petitioners has not been confirmed and so their claim wasn't found liable to be considered in the said meeting, as confirmation of service is an important condition precedent for promotion, so their case wasn't considered.”

8. In reply to the said Mr. Rajeev Kumar Singh, learned Counsel for the petitioners submit that paragraph 7 has no clarity as to why the claim cannot be considered in the light of Rule 149 of the Bihar Board Miscellaneous Rules, 1958. It is his further submission that now the services of both the petitioners have been confirmed.

9. He submits that it will suffice if their representation is considered by the District Magistrate, Madhepura.

10. Md. N.H. Khan, learned SC 1 though submitted



the reason for denial of the promotion with the help of paragraph 7, he do not have any objection to the said representation being considered by the District Magistrate, Madhepura.

11. In view of the aforesaid facts, it would be appropriate that the petitioners file fresh representation before the respondent no. 7, the District Magistrate-cum-Chairman Departmental Promotion Committee, District-Madhepura within a period of eight weeks from today.

12. If such representation is filed, the District Magistrate, Madhepura (respondent no. 7) shall be duty bound to pass a reasoned order under his own signature within a period of four months after taking into account all the facts incorporated in the representation.

13. The writ petitions stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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