

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15 of 2023

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1. Anil Kumar Son of Ravindra Prasad Resident of village - Chandpura Nanhka, Police Station - Desri (Chandpura O.P.) District - Vaishali at present Posted as Chemist at Chapra.
 2. Brihaspati Yadav, Son of Late Shankar Prasad Yadav, Resident of Village - Thave Police Station - Thave District - Gopalganj, at present posted as Chemist at Siwan.
 3. Paritosh Kumar Mehta Son of Aditya Mehta, Resident of Govindpur Post Office and Police Station - Fatuha, District - Patna. Presently posted as Chemist at Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, PHED Department, Bihar, Patna.
3. The Engineer-in-Chief, PHED, Department Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Tewary, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Seeking promotion from the post of Assistant
Research Officers to Research Assistant, the writ petition has
been filed.

3. Earlier, the petitioners were serving under the
scheme for checking the quality of ground water in the various
districts. Considering the perennial nature of work, they have
been confirmed in service from 13.03.2020 and it is their



submission that acknowledging their past services, they should be given benefits of ACP/MACP and or promotion.

4. The learned counsel for the petitioners has placed reliance on the Gazette Notification dated 21.07.2022, as contained in Annexure 9 to the writ petition, whereby, the rules to regulate proper management, appointment, promotion and services' condition of the staff of the Research cadre of the Bihar State Public Health Engineering Department has been notified. He has referred to the provisions contained in Rule 6 (C) and (D) dealing with an Assistant Research Officer and Research Officer.

5. On going through the same, the Court finds that the promotion is to be considered according to circulars/instructions to be issued by the Government from time to time. The petitioners, however, have not stated that any such circulars/instructions have been issued.

6. In fact, after issuance of the Rule in July, 2022, they have not brought on record that they have approached any authority for their grievance, or that there is any subsequent development which can be made the basis of asserting their claim for benefits of ACP/MACP or promotion on any basis, in these proceedings today.



7. The rule, as it stands today, does not manifest any subsisting right of promotion or being considered for promotion, in favour of the petitioners, having regard to the recent date of confirmation of their service w.e.f. 13.03.2020.

8. The Court would only observe that the same is to be considered in light of circulars/instructions to be issued by the Government from time to time for the said purpose.

9. The petitioners may approach the authorities in this regard, in light of the provisions contained in Gazette Notification dated 21.07.2022.

10. With the aforesaid directions/observations, the writ petition is disposed of.

(Madhuresh Prasad, J)

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