

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24793 of 2018

Sanjeev Kumar Sinha Son of Baijnath Prasad Singh Resident of Village -
Chhotaki Masauri, P.O. and P.S.- Masaurhi, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Secretary, Rural Works Department, Govt. of Bihar, Patna
3. The Engineer-in-chief, Rural Works Department, Govt. of Bihar, Patna
4. The Chief Engineer-2, Rural Works Department, Govt. of Bihar, Patna
5. The Chief Engineer-3, Rural Works Department, Govt. of Bihar, Patna
6. The Executive Engineer, Rural Works Department, Works Division, Mahnar,
District - Vaishali
7. The Superintending Engineer, Rural Works Department, Works Circle,
Muzaffarpur, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Shally Kumari, Adv.
For the Respondent/s : Mr. Kumar Alok (SC-7)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-10-2024 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for directing the respondent authority to implement the Rule 5 of Rural Works Department Accounts Clerical Cadre (Recruitment & Service Conditions) Rules, 2014 as well as the Rule 5 of Rural Works Department Field Clerical Cadre (Recruitment & Service Conditions) Rules, 2014 as contained in Annexures-3 & 4 respectively.

3. Learned Counsel for the State submits that counter



affidavit has been filed and in the said counter affidavit, stand has been taken that in the light of Finance Department Letter No.8825 dated 20.12.2000, the post of Assistant has been demerged and renamed as LDC and UDC. It has also come that *vide* Letter No.5330 dated 09.08.2016 issued under the signature of Chief Engineer-3, Rural Works Department, Govt. of Bihar, Patna, the provisional gradation list of Class-IV employee has already been issued in which the petitioner figured at Serial No.53. Counsel submits that it has also come that preparation of final gradation list is under process.

4. In the light of the stand taken by the State, Learned Counsel for the petitioner submits that the case of the petitioner be considered for promotion within a fixed period of time after finalization of the gradation list. Counsel for the petitioner further submits that series of persons have been granted promotion by the respondent authorities in the light of Annexure-8 series by virtue of order passed by this Hon'ble Court in Civil Writ Jurisdiction Case No.10984 of 2017.

5. In the present facts and circumstances of the case, it is hereby directed to the Engineer-in-chief, Rural Works Department, Govt. of Bihar, Patna (respondent no.3) to consider the petitioner's case that if, petitioner is covered as like that of



the persons mentioned in Annexure-8 of the present writ petition, then petitioner shall also be granted promotion in the light of Section 4.C of Bihar State Litigation Policy, 2011. It is directed to the petitioner that he shall file representation within 30 days along with the order on which Engineer-in-chief, Rural Works Department, Govt. of Bihar, Patna (respondent no.3) shall take decision within 60 days thereafter.

6. Hence, with the aforesaid direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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