

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5035 of 2024

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Shashi Chandra Pandey S/O- Akhilesh Chandra Pandey, R/O- Village-Mahui,
P.O- Mahui, P.S- Ramnagar, District- West Champaran, Bettiah-845103

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Water Resources Department, Sinchai Bhawan, Harding Road, Patna, Bihar Pin Code-800015.
2. The Principal Secretary, General Administration Department, Old Secretariate, Bihar, Patna.
3. The Engineer in Chief cum Special Secretary, Water Resources Department, Sinchai Bhawan, Harding Road, Patna, Bihar Pin Code-800015.
4. The Chief Engineer, Irrigation Creation, Water Resources, Department, Motihari
5. The District Magistrate, West Champaran, Bettiah.
6. The Superintending Engineer, Tirhut Canal Circle, Water Resources, Department, Bettiah
7. The Executive Engineer, Water Resources Department, Tirhut Canal Division-1, Bettiah, West Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Prakash, Advocate
For the Respondent/s : Mr.Government Advocate 7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2024 The present writ petition has been filed
seeking the following reliefs:-

*"1. (i) For issuance of direction to the
respondent no-4 to set aside the
promotion list of office attended issued
vide office order no-2481 dated
31.10.2023 i.e. (charge of higher pay
scale in pay scale-2, Lower Division
Clerk, in light of notification issued by*



General Administration Department vide notification no-19300 dated 13.10.2023) (Annexure- P/10 at page 45-46 to the writ petition).

(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondent no- 4 i.e. Chief Engineer, Irrigation Creation, Water Resources Department, Motihari to publish a fresh promotion list of office attended by adding the name of the writ petitioner, after cancellation of the earlier list issued vide office order no-2481 dated 31.10.2023 i.e. (charge of higher pay scale in pay scale-2, Lower Division Clerk in light of notification issued by General Administration Department vide notification no-19300 dated 13.10.2023).

(iii) For issuance of an appropriate writ / writs, order / orders, direction/directions to the respondents to grant the promotional benefits i.e. charge of higher pay scale of pay level- 02 in Lower Division Clerk, since, the petitioner has all the requisite qualifications as per the Bihar Water Resources Department Field Clerical Cadre (Recruitment and Condition of Service) Rule-2014 and junior to him in the seniority list published by office



dated 17.10.2023 have been given the benefit of Promotion i.e. charge of higher pay scale i.e. on the post of Lower Division Clerk in arbitrary and biased manner.

(iv) That to hold and declare that as per the Bihar Water Resources Department Clerical Field Cadre (Recruitment and condition of service) Rule-2014 and as per the seniority list published by the office of Respondent No- 4 i.e. Chief Engineer, Irrigation Creation, Water Resources Department, Motihari vide 16 its letter no-2404 dated 17.10.2023, (Annexure-P6/ at page no-35) in the said list name of the petitioner is at serial no-48, but ignoring the seniority and eligibility of the petitioner the person at serial no-52, 64, 80 and 100 have been given the benefits of promotion i.e. charge of higher pay scale of pay level- 02 in Lower Division Clerk vide letter no-2481 dated 31.10.2023 (Annexure- P/10 at page 45-56 of the writ petition)."

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the respondent



authorities for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. The present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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