

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4926 of 2024

Prakash Mishra Son of Sri Gangadhar Mishra, Resident of Mohalla- Shivajee Nagar, (Near Shivam Classes), Makhdumpur (Bagicha), P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Niyojan Bhawan, 4th floor, Bailey Road, Patna.
2. The Director, Directorate of Employment and Training (Training wing) Labour Resources Department, Niyojan Bhawan, 4th floor, Bailey Road, Patna.
3. Deputy Director (Training), Directorate of Employment and Training (Training wing) Labour Resources Department, Niyojan Bhawan, 4th floor, Bailey Road, Patna.
4. Additional Chief Secretary, General Administration Department, Government of Bihar, Main Secretariat, Patna.
5. Joint Secretary, General Administration Department, Government of Bihar, Main Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Braj Kishore Singh, Adv.
Mr.Kishore Kumar Thakur, Adv.
For the Respondent/s : Mr.Uday Prasad, AC to GP- 22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.I) For a direction to the respondents to allow officiating promotion to the petitioner to the next higher post of Vice-Principal in the Industrial Training Institute under the respondent State against the vacancies in the said higher grade earmarked and reserved to be filled up from among the physically handicapped group Instructors in terms with his seniority position in the Group



Instructor cadre of Industrial Training Institute under the respondent State in its Labour Resources department.

Thereby the petitioner prays that pending consideration of regular promotion to the post of vice- principal against the quota reserved, to be filled up from amongst the Group Instructor cadre, the petitioner be considered for giving officiating promotion to the said next higher post of vice- principal in Industrial Training Institute (I.T.I. for short) in terms with the Temporary officiating Acting Arrangement Rules 2023 (Asthayi Sthanapanna Karyakari Wyavastha Niyamavali 2023) notified vide Notification circulated by Memo no- 19300 dated 13-10- 2023, issued under the signature of respondent Principal Secretary of General Administration Department, taking into account his seniority position in the Group Instructor cadre.

(II) Further prayer in the present writ application is to allow the pay scale attached to the post of Vice- Principal, on grant of such officiating promotion to the petitioner in the same manner, such officiating promotion in the upgraded pay scale of the post of vice-principal has been made admissible to the other similarly situated Group Instructors who, though junior to the petitioner, have been provided with such officiating promotion.”

2. At the outset, the learned counsel for the petitioner



seeks liberty on behalf of the petitioner to approach the Director, Directorate of Employment and Training (Training Wing) Labour Resources Department, Patna, for redressal of his aforesaid grievances. Liberty so sought is granted.

3. It is needless to state that in case appropriate representation is filed by the petitioner, before the Director, Directorate of Employment and Training (Training Wing) Labour Resources Department, Patna, within a period of two weeks from today, the same shall be considered, in accordance with law and a reasoned and a speaking order shall be passed, thereon, within a period of six weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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