

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5310 of 2024

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Santosh Kumar Suman S/o Ganga Ram Mahto, R/o - Village Jorla, P.S. Lakhnaur, District - Madhubani, Presently residing at - Shantipuram Colony, Biscuit Factory Road, Danapur, P.S. - Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna, Bihar.
4. The Principal Secretary, Planning and Development Department, Government of Bihar, Old Secretariat, Patna.
5. The Joint Secretary, to the Govt., Department of Planning and Development, (Establishment) Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
For the Respondent/s : Government Pleader (27)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2024 The present writ petition has been filed
seeking the following relief:-

"(i) To issue an appropriate writ, order or direction to the Respondent directing the Respondents to Promote the Petitioner in the Rank of District Planning Officer/Senior Research Investigating Officer under scale level 11 with effect from 12.02.2024 like Similarly situated several Juniors were given said promotion after completion of 5 years.



ii) To issue an appropriate writ, order or direction, directing the Respondents to accord the pay/scale to the Petitioner equivalent to the pay given to the Juniors of the Petitioner as per his entitlement as also in view of the entitlement of the petitioner.

iii) To issue further appropriate writ, order or direction commanding the Respondents to allow the grant of the level 11 of the scale to the Petitioner along with the arrears with 24% penal interest as this was the scale given to his juniors appointed along with the Petitioner.

iv) This Hon'ble Court during the pendency of this Writ Application in the facts of the case issue an order of stay with respect to the promotion to the 6 juniors of the petitioner from serial No. 17 to 22.(Annexure-P-7)

v) This Hon'ble Court may adjudicate and hold that as per the entitlement of the Petitioner, under the Service law as also in view of the position of the petitioner in the seniority list it was the Statutory Duty of the Respondent Authorities to accord the due Promotion and pay/scale of Research District Planning Officer/Senior Research Officer (level-11 scale) to the Petitioner, equivalent to the pay/scale given to the Juniors of the Petitioner as per his entitlement.



vi) This Hon'ble Court may further adjudicate and hold that the action of the Respondents denying the said promotion on the post of District Planning Officer/Senior Research Research Officer (level-11 scale) and the benefits of the equal pay/scale to the Petitioner equivalent to the pay/scale given to the juniors of the Petitioner as per his entitlement is act of mala-fide and arbitrary exercise of Authority.

vii) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.”

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent no.4, i.e. the Principal Secretary, Planning and Development Department, Government of Bihar, 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, within a period of two weeks from today, the respondent no.4 shall



dispose off the same by passing a reasoned and a speaking order, in accordance with law, 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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