

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6058 of 2023

1. Ehteshamul Haque Son of Late Kalamul Haque, Resident of Mohalla-16/A River View Colony Loharwa Ghat Near Lucos School, Alamganj, District-Patna.
2. Krishna Murari Sinha, Son of Late Birendra Kumar Sinha, Resident of Mohalla-Walipur, Ward No.22, near Wali Par School Walipur, P.S.-Barh, District-Patna.
3. Prem Kumar, Son of Late Braj Mohan Rajak, Resident of Village-Bathoi Ward No. 14, P.S. Ramnathpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Agricultural Department Govt. of Bihar, Patna.
2. The Agriculture Production Commissioner, Govt. of Bihar, Patna.
3. The Director Horticulture, Bihar, Patna.
4. The Deputy Director Horticulture (Administration), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.
For the Respondent/s : Mr. Dhurjati Kumar Prasad (Gp 14)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-11-2024 Heard Mr. Binay Kumar, learned counsel appearing on behalf of the petitioners and Mr. Dhurjati Kumar Prasad, learned GP-14 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

“(i) For issuance of a writ of certiorari or any other appropriate writ order or direction commanding the respondents to give promotion to the petitioners on the post of Upper Division Clerk as they fulfill all the eligibility criteria for promotion.

“For any other relief/reliefs for which the petitioners may be deemed entitled under the facts and



circumstances of the case.”

3. Learned counsel appearing on behalf of the State informs that the petitioners have already been granted due promotion in light of the statement made in Para-10 of the supplementary counter affidavit filed on behalf of respondent nos. 1 to 4, which is, *inter alia*, reproduced hereinafter:.

“10. That pursuant to recommendation, the Director Horticulture, Bihar, Patna has issued an office order no. 1411 dated 02.11.2023 whereby 7 persons including the petitioners have been given the charge of higher post under its prescribed scale i.e. Upper Division Clerk (Pay level-4, unrevised grade pay Rs. 2400/-). However, the said promotion is conditional and shall abide by the final order passed by the Hon’ble Supreme Court in Civil Appeal No. 4880 /2017 (State of Bihar Versus Sushil Kumar Singh and Ors.).”

4. In view of the specific statement made in the supplementary counter affidavit, steps have already been taken in respect of the petitioners to give the benefit. Hence, no interference is required by this Court.

5. If the petitioners still feel aggrieved, they may take appropriate legal action against any illegal act of the concerned respondents in accordance with law.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

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