

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8348 of 2024

1. Madan Ram Son of Late Bharat Ram, Resident of Village- Semariya, P.S.- Sonhan, District- Kaimur (Bhabua), Bihar.
2. Baidyanath Ram, Son of Late Ruplal Ram, Resident of Village- Narsinghpur, P.S.- Sakra, District- Muzaffarpur, Bihar.
3. Ram Jatan Ram, Son of Late Ram Ashish Ram, Resident of Village- Sakari Saraiya, P.S.- Kurhani, District- Muzaffarpur, Bihar.
4. Kishori Chaudhary, Son of Mahabir Chaudhary, Resident of Village- Muza Malikana, P.S.- Saraiya, District- Muzaffarpur, Bihar.
5. Ravi Kumar, Son of Seo Bihari Singh, Resident of Village- Dasratha, P.S.- Beur, District- Patna, Bihar.
6. Karmdev Ram, Son of Ram Lagan Ram, Resident of Village- Gowas, P.S.- Kutumba, District- Aurangabad, Bihar.
7. Jai Prakash Sinha, Son of Ramasharay Prasad Sinha, Resident of Mohalla- Central Bank Colony, Bhuthnath Road, P.S.- Bhoothnath, District- Patna, Bihar.
8. Nityanand Kumar, Son of Suresh Prasad, Resident of Village- Balawapura, P.S.- Asthawan, District- Nalanda, Bihar.
9. Rajesh Paswan, Son of Arjun Paswan, Resident of Village- Adampur, P.S.- Bahadur, District- Patna, Bihar.
10. Gautam Kumar, Son of Late Rajendra Prasad, Resident of Bhadani Niwas, Mohalla- Rajendra Nagar, P.S.- Nawada, District- Nawada, Bihar.
11. Nawal Kishore Thakur, Son of Late Paltan Thakur, Resident of Village- Waini, P.S.- Pusa, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Govt. of Bihar, Niyojan Bhawan, Bailey Road, Patna.
2. The Special Secretary, Labour Resources Department, Bihar, Patna.
3. The Deputy Secretary, Labour Resources Department, Bihar, Patna.
4. The Under Secretary, Labour Resources Department, Bihar, Patna.
5. The Director, Directorate of Employment and Training, Bihar, Patna.
6. The Additional Chief secretary, General Administration Department, Bihar, Patna.
7. The Labour Resources Department, Govt. of Bihar through the Principal Secretary, Labour Resources Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Vikash Kumar Pankaj, Advocate



For the State : Mr. Rishav Dev, Advocate
Mr. Vishwambhar Prasad, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“(i) For necessary direction in the nature of writ of Mandamus commanding respondent authorities to grant regular promotion to the petitioners' w.e.f. the availability of the vacancy and completion of time period, on the post of Principal (Level-11) with all consequential benefits, as the petitioners are presently posted and discharging the duties on the post of Vice Principal (Level -9) in different Government Industrial Training Institutes (Hereinafter, referred as ITI's) of Bihar having become eligible in all respect with respect to their quota of 25% vacancies earmarked to be filled amongst the Vice-Principals of it is running under the Directorate of Employment & Training of respondent Labour Resources Department.

(ii) For necessary direction in the nature of writ of Mandamus commanding respondent authorities to treat the promotion of the petitioners to the post of Vice-principal granted vide Notification contained in Memo No. 01/13/2023...95 dated 28.12.2023 (Annexure -P/1) as regular and not as "temporary work arrangement in-charge capacity" since the petitioners have already completed much more than requisite time period required for the promotion to the post of Vice-principal (Level -9) from the post of



Group Instructor (Level-7).

(iii) For the issuance of writ in the nature of writ of Certiorari to modify the Notification contained in Memo No. 01/13/2023...95 dated 28.12.2023 (Annexure -P/1) to the extent whereby the petitioners despite being eligible in all aspect have been granted promotion to the post of Vice- principal as "temporary work arrangement in-charge capacity"."

3. Learned counsel appearing on behalf of the petitioners submits that petitioner have filed several representations before the respondent-Authorities but till date, the same have not been disposed of. However, learned counsel appearing on behalf of the petitioners requests for disposal of the present writ application granting liberty to the petitioners to raise their grievances by filing fresh representation before the Principal Secretary, Labour Resources Department, Government of Bihar, Patna (Respondent No. 7) along with all the necessary documents and details in support of their claim.

4. In view of the limited nature of prayer, this writ application is disposed of with liberty to the petitioners to file fresh representation before the Principal Secretary, Labour Resources Department, Government of Bihar, Patna (Respondent No. 7) along with all the necessary documents and details in support of their claim within a period of four weeks



from today.

5. In the event the petitioners file their representation within the stipulated period, the Principal Secretary, Labour Resources Department, Government of Bihar, Patna (Respondent No. 7) shall dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, preferably within a period of three months from the date of filing of the representation.

(Prabhat Kumar Singh, J)

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