

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7533 of 2018

1. Binod Kumar Pandey son of Late Shiv Parsan Pandey, Resident of Mohalla-New Punaichak, Hanuman Nagar, P.O. Punaichak, P.S. Shastri Nagar, District- Patna, presently posted as Upper Division Clerk, Water Resources Department, Research and Training Division- 2 Khagaul, Patna.
2. Anil Kumar, son of Late Shiv Prasad, Resident of House No. 214, Indira Nagar, Rajapur, P.O.- G.P.O., P.S. Patliputra, District- Patna, presently posted as Senior Accounts Clerk, Water Resources Department, Canal Design Division-2, Anishabad, Patna.
3. Rajeev Ranjan, son of Late Sri Narayan Singh, Resident of Road No. 10, Ashok Nagar, Kankarbag, P.O. Lohia Nagar, P.S. Kankarbag, District- Patna, presently posted as Senior Accounts Clerk, Water Resources Department, Dam and Gate Design Division- 4, Anishabad, Patna.
4. Purushottan Prasana Sinha, son of Late Dr. Bibhuti Prasanna Sinha,
5. Satyendra Kumar, son of Late Krishnadeo Sharma, Resident of Chhoti Badalpura, Khagaul, P.O. and P.S. Khagaul, District- Patna, presently posted as Store- Keeper, Water Resources Department, Research and Training Division- 3, Khagaul, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Joint Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Adv. Mr. Awnish Kumar, Adv. Mr. Vikash Kumar Singh, Adv. Mr. Kumar Gaurav, Adv. Mr. Ravi Ranjan, Adv.
For the Respondent/s	:	Mr. Anil Kr. Verma, (AC to AAG-9)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 08-04-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ application has been filed with the following relief(s):-

“(i) For a declaration that the provisions of the Bihar Government Servants (Computer Competency for Recruitment and Confirmation) Rules, 2011 (hereinafter referred to as the 2011 Rules) would not be applicable for grant of increment to the 3rd Grade employees of the State Government, who were appointed as such before 29.05.2011 and the knowledge of computer application was not a qualification for their appointment in service.

(ii) For a further declaration that since at the time when the petitioners and other similarly situated 3rd Grade employees were appointed in the Water Resources Department, since there was no (Appointment and Service Condition) Rules framed by the State Government which has been framed on 16.12.2014 in the name of the Bihar Water Resources Department Regional Clerical Cadre (Appointment and Service Condition) Rules, 2014 and Bihar Water Resources Department Regional Accounts Clerk Cadre Rules, 2014 in view of the provisions contained under Rule-4(a) of the aforesaid Bihar Government Servant (Computer Competent for Recruitment and

Confirmation) Rules, 2011, the provisions contained in Rule 4(b) would not come in the way of the Government Servant for whom there was no Appointment and Service Condition Rules before 29.05.2011 for grant of increment and therefore, knowledge of computer is not an essential qualification for their confirmation in service.”

3. Learned counsel for the petitioners submits that petitioner no. 1 was appointed as Correspondence Clerk on 11.04.1994, petitioner nos. 2 and 3 were appointed as Accounts Clerk on 03.05.1990, petitioner no. 4 was appointed as Draftsman Grade-II on 21.12.1984 and petitioner no. 5 was appointed as Store Keeper on 19.08.1996.

4. Learned counsel for the petitioners further submits that the Bihar Government Servants Rules, 2011 and 2014 are not applicable to the petitioners and any conditions imposed upon the petitioners are not lawful. With this grievance, the petitioners have filed the present writ application.

5. Learned counsel for the State submits that the petitioners have come before this Court directly without filing any representation before the competent authority. From the annexures of the writ petition, it transpires that there is no representation filed by the petitioners before any authority about

applicability or non-applicability of those Rules upon them.

6. In this view of the matter, this Court is of the firm view that this case is pre-matured and therefore, this case is disposed of directing the petitioners to avail the remedy before the Principal Secretary, Water Resources Department, Government of Bihar, Patna (R-4) within 30 days from today, raising all the points which they have raised in the present writ application. The authority shall decide the representation of the petitioners within 90 days from the date of submission of the representation. The said 90 days shall be counted from the end of election.

7. Accordingly, the present writ application stands disposed of.

(Dr. Anshuman, J)

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