

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15519 of 2021

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Sunil Kumar Son of Late Vishwanath Prasad R/o Village - Rosera, Ward no. -
17, Post and P.S. - Rosera Distt- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary to the Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Additional Collector - cum- Senior Officer, Samastipur.
4. The Deputy Collector, Establishment, Samastipur.
5. Head Clerk, District Establishment Section, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Respondent/s : Mr.Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-01-2024

The present writ petition has been filed seeking the
following relief:-

“1. For the issuance of writ in the nature of
Mandamus Commanding thereby Respondents to
promote the petitioner to the post of Upper
Divisional Clerk to post of Head Clerk in the
District Collectorate, Samastipur because the
promotion of the petitioner is due as per panel
prepared for promoting the Upper Divisional
Clerk in the year 2017 by the Collectorate
(District Establishment Section), Samastipur and
further to allow other relief(s) to which the



Petitioner found entitled to.”

2. Though the learned counsel for the Respondent-State has submitted that on account of pendency of special leave petition before the Hon’ble Apex Court and some writ petitions before this Court, promotions are not being granted to the Government employees, however, this Court finds that the State Government has subsequently come out with a gazette notification dated 13.10.2023, whereby and whereunder, the Asthayi Sthanapann Karyakari Vyavastha Niyamawali, 2023 has been notified, wherein it has been postulated that since promotions have not been granted to the members of the State service right from 11.04.2019, steps shall be taken to grant promotions to them on ad-hoc basis and they shall also be given the pay scale of the higher post, however, the same shall be subject to the final outcome of the Appeal pending before the Hon’ble Apex Court i.e., the one bearing Civil Appeal No. 4880 of 2017(*State of Bihar & Ors. vs. Sushil Kumar Singh & Ors.*)

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Respondent authorities to take a final decision with regard to the claim of the petitioner for grant of promotion to the post of Head Clerk, within a period of three months from today.



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

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.1.2024
Transmission Date	NA

