

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12068 of 2023

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Kishore Kunal son of Vindhyachal Pandey Resident of Village- Karbasin,
Police Station- Azimabad, District- Bhojpur at Ara, at present posted and
working as Peon in Office of the Block Education Officer, Udwantnagar,
Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-cum- the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary-cum- the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Patna Division, Patna.
6. The District Education Officer, Bhojpur at Ara.
7. The District Programme Officer (Establishment), Bhojpur at Ara.
8. Mr. Sahjanand, the then Regional Deputy Director of Education, Patna Division, Patna.
9. Mr. Arvind Prasad, the then Clerk in the office of the Regional Deputy Director of Education, Patna Division, Patna.
10. Mr. Vinay Kumar Rai, Class-III employee, posted and working in the office of the District Education Officer, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Smt. Binita Singh (SC-28)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-02-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. I. For issuance of an appropriate
writ in the nature of Mandamus for
commanding and directing the
respondent authorities concerned to*



promote the petitioner on class -III post from the due date of his entitlement along with all consequential benefits, as he has been discharging his duties as a Peon in Class-IV post since 2006 in the office of the Block Education Officer, Udwanthnagar, District Bhojpur at Ara and in spite of lapse of more than 17 years of service as a peon without any complaint or adverse remark at any point and in spite of several representations and requests, he has not been promoted to Class-III post up till now even though several similarly situated employees or even junior to the petitioner have already been promoted on Class-III post.

II. For issuance of an appropriate writ in the nature of Mandamus for commanding and directing the respondent authorities concerned to promote the petitioner on the post on the Class-III post, as similarly situated many persons posted as a Peon or even junior to the petitioner, have been promoted but the petitioner has been deprived till



date for no fault on his part and thus under Bihar Litigation Policy Rule 2011, 4 (C), the petitioner is also entitled for his promotion to the post of Clerk, as several posts are still vacant.

III. For issuance of an appropriate writ in the nature of Mandamus for commanding directing the respondent authorities concerned to consider the genuine claim of the petitioner sympathetically and redress his genuine grievance for his promotion on Class-III post without any further delay, as he has been discharging his duties as Peon for last more than 17 years with best of his abilities and to the satisfaction of authorities concerned.

IV. For direction to the respondent authorities concerned to dispose of the representation of the petitioner dated 16.05.2023 addressed to the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna and representation dated 08.06.2023 addressed to the Director, Secondary Education,



Education Department, Govt. of Bihar, Patna with reasoned and speaking order ventilating the genuine grievance of the petitioner for his promotion on class -III post in the light of the order passed by this Hon'ble High Court in C.W.J.C. No. 15610 of 2018 (Raghwendra Sharma and Others vs. the State of Bihar and Others), which is with regard to earlier recommended promotion which will not be affected by the General Administration Order No. 5066 dated 11.04.2019."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Regional Deputy Director of Education, Patna Division, Patna i.e. the respondent no. 5 for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioner approaches the Regional Deputy Director of Education, Patna Division, Patna i.e. the respondent no. 5, by filing appropriate representation, within a period of two weeks from



today, the same shall be disposed off by 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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