

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11904 of 2024

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1. Subhash Kumar Mishra Son of Late Lakhan Dev Mishra, Resident of Mohalla- Kasturwa Water Work Shops, P.S.- Basudeopur, District- Munger.
 2. Chandan Kumar, Son of Late Yugal Kishore Yadav, Resident of Village-, P.S.- Kashim Bazar, District- Munger.
- Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
 2. The Mayor, Munger Municipal Corporation, Munger.
 3. The Deputy Mayor, Munger Municipal Corporation, Munger.
 4. The Commissioner, Munger Municipal Corporation, Munger.
 5. The Deputy Commissioner, Munger Municipal Corporation, Munger.
 6. The Special Officer, Munger Municipal Corporation, Munger.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Rishi Sinha, Advocate
For the State : Dr. Mankeshwar Tiwari, AC to AAG 3
For the Municipal Corporation, Munger : K.N. Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 12-08-2024

Promotion is not a matter of right, but reasonable expectation of promotion can be claimed by the petitioners invoking constitutional writ jurisdiction under Article 226 of the Constitution.

2. Petitioners are the Class IV employees in the Municipal Corporation at Munger. An exercise was undertaken for the promotion of eligible Group IV employees to Group C- Lower Division Clerk. The petitioners were not promoted to Group C post. Petitioner no. 01 submitted a representation, claiming promotion on 21st February 2023, and petitioner no. 02 submitted



his representation on 23rd March 2023 before the concerned authority. The respondents authority did not even dispose of the representations filed by the petitioners. The grievance of the petitioners is that the petitioners have academic qualifications, they have more working experience than their juniors who were promoted. They are capable of performing the work of LDC in the department, but without considering their qualification and working ability, their candidatures were rejected.

3. Thus, without going to the merits of the instant case, this Court is of the view that since the petitioners’ representations addressed to the concerned Commissioner and the Mayor of the Municipal Corporation, Munger are yet to be disposed of.

4. The above-named respondents are directed to dispose of the petitioners’ representations in accordance with law, giving them the opportunity of hearing within 30 days from the date of communication of this order.

5. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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