

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13142 of 2024

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Jagjivan Ram S/o Late Ram Sagar Ram, R/o Village- Rasulpur, P.O.- Nagre,
P.S.- Marhowrah, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum- Registration, Inspector General, Government of Bihar, Vikash Bhawan Patna.
2. The Secretary-cum-Registration, Inspector General, Government of Bihar, Vikash Bhawan Patna.
3. The Deputy Inspector General Registration, Government of Bihar, Vikash Bhawan Patna.
4. The District Magistrate, Siwan.
5. District Sub Registrar, Siwan.
6. Hari Narrayan Paswan, S/o not known to the petitioner, at present posted at the post of Permanent Clerk in the Sub-Registration Office, Vaishali at Hajipur.
7. Raj Nath Ram, S/o Late Deopujan Ram, R/o Village and P.O.- Chhapra (Muffasil), District- Saran (Chhapra).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Shukla, Advocate
For the Respondent/s : Mr. Santosh Chandra Bhaskar, AC to GP 11

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 09-09-2024

The petitioner has filed the instant writ petition for
following reliefs:-

*“(a) For issuance of a writ in the nature
of certiorari for quashing the order containing
memo no VI/Est./(Ara) Ni Vividh-16/2022-
1764 dated Annexure-P/12) 29.04.2024 (i.e.
whereby and whereunder on totally wrong
premises the claim of the petitioner for
promotion with effect from 1997 on the post of*



upper division clerk has been rejected on completely arbitrary and cavalier manner.

(b) For issuance of a writ in the nature of mandamus directing the concerned respondent authorities to grant the benefit of promotion as well as financial benefits to the petitioner from the year 1997 on the post of permanent clerk as junior persons to the petitioner i.e., respondent nos. 6 & 7 and others have been granted such promotion without considering the case of the petitioner.

(c) It is further prayed that the Hon'ble Court be pleased to hold and adjudicate that the petitioner is also entitled for promotion from the date of his juniors i.e. from the year 1997 itself on the post of Upper Division Clerk with all consequential benefits.

(d) It is also prayed that this Hon'ble Court be pleased to issue any other appropriate writ/writs, order/orders or direction/directions as may deem fit and proper under the facts and circumstances of the case.”

2. The factual matrix which prompted the petitioner to file the instant writ petition is as follows. On the basis of an advertisement no. 21 of 1987 for filling the post of temporary clerk in the district offices of the Department of Registration, The petitioner was selected and appointed as a temporary clerk in the Department of Registration in the Pay Scale of 975- 1540. It is contended by the petitioner that the next promotional post of the temporary clerks is the post of permanent clerks in the pay scale of 1200-1800 which



was subsequently revised on implementation of the Central Pay Scale. It is also contended by the petitioner that the Gradation List of the temporary clerk was fixed on the basis of their result in the selection list. The private respondent no. 06 was junior to the petitioner in the Gradation List, however, he was promoted to the post of permanent clerk in the year 1997, whereas, the petitioner and several other temporary clerks were given promotion in the year 2008. The petitioner previously, filed a writ petition bearing CWJC No. 11415 of 2022. The said writ petition was disposed of by a Co-ordinate Bench on 27th February 2024, directing the petitioner to approach the Inspector General of Registration, Government of Bihar, Patna by filing an appropriate representation within a period of two weeks from the date of the order and in case such a representation is filed, the Inspector General of Registration, Government of Bihar, obtaining which consider the same, in accordance with law and pass a reasoned and speaking order within a period of six weeks thereafter.

3. On the basis of the said order, the petitioner filed a representation. The representation was considered and disposed of by the Deputy Inspector General Registration, Government of Bihar, Patna (respondent no. 3) on the following grounds:-



“12. माननीय न्यायालय के आदेश के आलोक में श्री हरि नारायण पासवान के ऊपर वैसे मामले जिन्हें प्रोन्नति दी जानी थी, उन्हें चिन्हित करने एवं समेकित रूप से विचार करने हेतु सभी जिला अवर निबंधक से विहित प्रपत्र में प्रतिवेदन की माँग की गयी। जिला अवर निबंधक, बेगूसराय द्वारा शून्य प्रतिवेदन प्रेषित किया गया। श्री राम उक्त अवधि में जिला निबंधन कार्यालय, बेगूसराय में पदस्थापित थे। इस संदर्भ में ससमय आवेदन भी विभाग को समर्पित नहीं किया गया।

विभाग द्वारा विभिन्न जिला अवर निबंधक के प्रतिवेदन के आलोक में कुल 22 लिपिकों को अंतरवेतन भुगतानार्थ उच्चवर्गीय लिपिक का 22 छायापद सृजित करते हुए दि०-08.05.1997 एवं अनुमान्य तिथि से पत्रांक -5717 दि०-07.11.2012 द्वारा लाभ प्रदान कर दिया गया है।

चूंकि विभाग द्वारा उक्त मामले में चिन्हित कुल 22 कर्मियों के लिए उच्चवर्गीय लिपिक का छायापद सृजित करते हुए उन्हें अंतरवेतन का लाभ प्रदान किया जा चुका है, अतः श्री राम द्वारा प्रस्तुत आवेदन पत्र विचारणीय नहीं है।”

4. I have carefully perused the impugned order. In the impugned order, it is not stated by the respondent no. 03 as to whether the petitioner faced any departmental proceeding during his service career or not. The petitioner's annual confidential reports were not considered. There is no objective consideration as to why respondent no. 06 was granted promotion in the year 1997



and the petitioner was granted promotion in the year 2008. It is not considered as to whether the petitioner was not competent to be promoted. In one word, the parameters for the promotion of an employee was not considered in the impugned order by the respondent no. 03.

5. Accordingly, the impugned order (Annexure 12) is liable to be set aside. The respondent nos. 02 and 03 are directed to dispose of the petitioner’s representation on the parameters of the departmental promotion which was granted to respondent no. 06 and to dispose of the said representation by a fresh and reasoned order, considering the past works of the petitioner, annual confidential reports of the petitioner, and other relevant aspects necessary to be considered for the promotion of an employee and dispose of the same within six weeks from the communication of this order.

6.The instant writ petition is thus, disposed of on contest. There shall, however, be no order as to costs.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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