

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12805 of 2024

Sunil Kumar, Son of Late Hari Prasad Resident of 501 Parvati Palace,
Sidharth Nagar, Jagdeo Path, Police Station Rupaspur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
2. The Engineer-in Chief, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rupak Kumar, Advocate

For the Respondent/s : Mr.Majid Mahbood Khan, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

2 03-09-2024 The petitioner has filed the instant writ petition for issuance of writ in the nature of mandamus directing the respondents to consider the case of the petitioner for promotion to the post of Assistant Engineer w.e.f. 11th of November, 2022, the date on which the incumbents junior to the petitioner were promoted on ad-hoc basis by the Road Construction Department *vide* an order dated 11th of November, 2022.

2. It is the case of the petitioner that the petitioner was appointed as Junior Engineer, Road Construction Department, Bihar, Patna, in the year 1991 and he joined his service on 17th of April, 1991. The Road Construction Department prepared a gradation list where the name of the petitioner is listed in Serial No. 171A. It is the grievance of the petitioner that by virtue of an order of promotion dated 11th of November, 2022, the Junior Engineers who were below in the gradation list than the petitioner were promoted by the authority. He submitted a



representation, but his representation was not taken care of. Subsequently, on 17th of November, 2023, persons who were promoted to the post of the Assistant Engineer were allowed the pay-scale of the Assistant Engineer. The petitioner, without no fault of his, was left out by the departmental authority for promotion. In the meantime, he has also attained the age of 60 years.

3. Considering such facts of the matter, the Respondent No. 1 is directed to dispose of the representation dated 25th of November, 2022, filed by the petitioner in accordance with law within 30 days from the date of communication of this order by a reasoned order giving opportunity to the petitioner of being heard.

4. The petitioner is at liberty to act on the server copy of this order.

5. The instant writ petition is accordingly disposed of.

(Bibek Chaudhuri, J)

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