

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14687 of 2024

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Shashi Chandra Pandey, S/o- Akhilesh Chandra Pandey, R/o- Vill- Mahui,
P.O- Mahui, P.S- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna, Bihar.
2. The Engineer-in-Chief-cum-Special Secretary Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna, Bihar.
3. The Chief Engineer, Irrigation Creation, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna, Bihar.
4. The District Magistrate, West Champaran.
5. The Superintending Engineer, Tirhut Canal Circle, Water Resources Department, Bettiah, West Champaran.
6. The Executive Engineer, Tirhut Canal Division-1, Water Resources Department, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP 17

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 27-09-2024 The petitioner has approached this Court for the

following reliefs:

*“(i) For issuing the writ/writs,
order/orders for quashing the order bearing
memo no- 1503 dated 08.06.2024 passed by
Chief Engineer. Irrigation Creation, Water
Resources Department, Motihari, Bihar
where by and where under the representation
filed by the petitioner pursuant to directions
of this Hon'ble court for promotion on the
post of Lower Division Clerk has been
illegally been rejected on erroneous grounds.*



(ii) For, after setting aside the aforesaid order 1503 dated 08.06.2024 passed by Chief Engineer, Irrigation Creation, Water Resources Department, Motihari, Bihar; the respondent authorities be directed to consider the case of petitioner for promotion on the post of lower Division Clerk from the date, persons juniors to the petitioner have been granted promotion with all consequential benefits.

(iii) For any other order/orders which it may deem fit in the facts and circumstances of the case and within the ends of equity, justice and good conscience.”

2. The case of the petitioner is that he was appointed in the Class IV office of the Executive Engineer, Tirhut Canal Division-I, Bettiah, He has the academic qualification of graduation with a diploma in computer application. By virtue of Bihar Water Resources Departmental Field Clerical Cadre (Recruitment and Condition of Service) Rules 2014, the Department took the process of appointment in Group C Cadre on promotion from Group D Cadre. In the rule relating to promotion, it is clearly stipulated that a candidate obtaining promotion in Group C post must be Intermediate Pass with knowledge of computer application. Since the petitioner had knowledge of computer and his name appeared in the Gradation list, he applied for the said post. In the final Gradation List, he



found that his knowledge of computer application was not specifically stated. He made a representation before the Executive Engineer as well as the District Magistrate, Bettiah. The Executive Engineer and District Magistrate, both in two separate letters, requested the authority to include the qualification of the petitioner on computer application. Subsequently, it was recorded. However, the petitioner was not promoted to the post of clerical cadre in Group C, and on the contrary, his juniors in service were promoted as per the list of promotion, issued by the department in Annexure P/13. Against the said order of promotion, the petitioner approached this Court by filing CWJC No. 5035 of 2024. The said writ petition was disposed of by an order dated 04th April 2024, by a coordinate Bench by giving liberty to the petitioner to approach respondent authority for redressal of his grievances. By virtue of the said order, he submitted a representation before the Chief Engineer, Irrigation Creation Water Resources Department, Motihari, Bihar, *vide* Annexure P/16, but the said representation was rejected on the ground that the petitioner did not mention as to whether he knows computer typing or not.

3. I have perused the order of rejection of petitioner's representation (Annexure P/1); it is recorded by the Chief



Junior, Irrigation Creation Water Resources Department, Motihari, in the penultimate paragraph that on the basis of notification no. 19300 dated 13th October 2023, the Screening Committee examined the cases of the applicants on 20th October 2023. The applicant submitted a certificate of Advanced Diploma of Computer Application (hereinafter described as 'ADCA'). In the said certificate, it is specifically written as to whether the petitioner knows typing skills in computer which is a necessary ingredient for the promotion on Group C post. The copy of the ADCA in the name of the petitioner finds place in the instant writ petition. The petitioner is having proficiency in EOC, DOS, WAS, MSF (WRD, XLS, PPT, ACS), Coreldraw & Pagemaker, Foxpro Concept & Photoshop, and Tally. These courses include MS Word and MS Excel, which are required for typing.

4. In view of such circumstances, this Court is of the opinion that the Chief Engineer, respondent no. 3, has not considered the case of the petitioner in its true perspective. For the reasons stated above, the impugned order dated 08th June 2024 is quashed and set aside.

5. The Chief Engineer is directed to examine the certificate and marksheet of ADCA of the petitioner in its true



perspective and pass reasoned order with regard to promotion of the petitioner within 30 days from the date of this order. If the petitioner is found eligible, he shall be promoted to the Group C post, in accordance with law.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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