

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14075 of 2024

1. Harendra Pandey S/o- Rajdev Pandey, Resident of Village- Basila Khas, Gopalganj, P.S. and District- Gopalganj.
2. Harinandan Sharma, S/o - Ram Raj Sharma, Resident of Village- Rampur, Deoria, P.S.- Balkta, District- Uttar Pradesh.
3. Pawan Kumar Singh, S/o- Ragho Singh, Resident of Village- Dhawaiya, Ward - Devmarg, Mathlar Mahal, Parasi, Deoria, District- Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-IV, Rural Works Department, Government of Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Siwan, District- Siwan.
6. The Executive Engineer, Works Division, Gopalganj- 1, District- Gopalganj.
7. The Executive Engineer, Rural Works Department, Works Division, Siwan- 2, District- Siwan.
8. The Executive Engineer, Rural Works Department, Works Division, Gopalganj- I, District- Gopalganj.
9. The Executive Engineer, Rural Works Department, Works Division, Hathua, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Shally Kumari, Adv.
Mr. Siya Ram Shahi, Adv.
For the Respondent/s : Mr. Standing Counsel (18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2024 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. The present writ petition has been filed for the following relief/s:

“I. For quashing the Memo No.2953 dated 24.04.2019 issued by the Chief



Engineer-III, Rural Works Department, Government of Bihar, Patna (annexed as Annexure-11) whereby and where under the claim of petitioners for the promotion to the post of Lower Division Clerk has been rejected.

II. For commanding the respondents to consider the case of the petitioners for officiating promotion to the post of Lower Division Clerk in terms of the notification dated 13.10.2023 published in Bihar Gazette by the General Administration Deptt., Government of Bihar.”

3. Learned Counsel for the petitioners specifically submits that Government of Bihar has published a notification on 13.10.2023 in the Bihar Gazette through General Administration Department, according to which, petitioners are entitled for the benefits for which they have filed representation annexed as Annexure-14 series of the writ petition before the Chief Engineer, Rural Works Department, Bihar, Patna. Counsel further submits that the notification dated 13.10.2023 has create a fresh cause of action for the petitioners and therefore, order contained in Memo No.2953 dated 24.04.2019 has no relevancy at all. He is only interested in consideration of the Clause 6 of



the notification dated 13.10.2023 published in Bihar Gazette by the General Administration Department, Government of Bihar in case of the petitioners and in the light of the said notification, representations have already been filed.

4. Learned Counsel for the State on the other hand submits that a direction may be given for disposal of representation of the petitioners which is annexed as Annexure-14 series.

5. In the light of the submissions made by the parties, this Court without entering into the merit or demerit of this case hereby directs to the Chief Engineer-IV, Rural Works Department, Government of Bihar, Patna (respondent no.4) to decide the representation of the petitioners in the light of the Clause 6 of the notification dated 13.10.2023 published in Bihar Gazette by the General Administration Department, Government of Bihar within 90 days from the date of production of the order.

6. Hence, with the aforesaid direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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