

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15334 of 2024

1. Lakshmi Narayan Mukhiya S/o Sundar Mukhiya, R/o Near Nirmali College, Chhojrena, P.O. Chhajnu, P.S. Laukani, Pin Code- 847108, District- Madhubani.
2. Vijay Kumar Shah, S/o Srichand Shah, R/o Vill and P.O.- Singhia Makandpur, P.S.- Gopalpur, Pin Code- 853204, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraia Bhawan, Baily Road, Patna.
2. The Engineer in Chief, Rural Works Department, Govt. of Bihar, Vishwaswraia Bhawan, Baily Road, Patna.
3. The Special Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraia Bhawan, Baily Road, Patna.
4. The Executive Engineer, Local Area Engineering Organization, Works Division- 2, Jhanjharpur, District- Madhubani, Govt. of Bihar.
5. The Executive Engineer, Local Area Engineering Organization, Works Division - Darbhanga, District- Darbhanga, Govt. of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar, Advocate
For the Respondent/s : Mr. W. A. Khan, AC to SC 25

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2024 Heard Mr. Ravi Kumar, learned counsel appearing
on behalf of the petitioners and Mr. W. A. Khan, learned AC to
SC 25 for the State.

2. Petitioners have *inter alia* prayed for following
reliefs in the paragraph No.1 of the writ petition:-

(I) To the petitioner above named have
preferred the present writ application for issuance of the
appropriate writ/writs, order/orders, direction/directions
in the nature of Mandamus direction the Respondent
Authorities to grant promotion to the petitioner in the



light of Notification No.19300 dated 13.10.2023 issued by the General Administration Department, Government of Bihar and further for issuance of appropriate writ/writs, direction/directions, or order/orders to grant reliefs to which the petitioner may be entitled to in the facts and circumstances of the case.

(ii) To any other relief/reliefs for which the petitioner is found to be entitled in the fact and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 was appointed on 28.09.1995 and petitioner no.2 was appointed on 30.04.1999 on the post of Junior Engineer and as per the Government Circular, they became eligible for being considered to be promoted on the post of Assistant Engineer. A gradation list was also prepared and juniors to the petitioners have been promoted to the said post. Petitioners want that they should also be promoted on the post of Assistant Engineer at least from the date, juniors to them have been promoted in light of Notification No.19300 dated 13.10.2023 issued by the General Administration Department, Government of Bihar. Learned counsel further submitted that petitioners seek to file detailed representation for redressal of their grievance before the Additional Chief Secretary, Rural Works Department, Government of Bihar.

4. Considering the desire of the petitioners that they



seek to file detailed representation for considering their cases for being promoted on the post of Assistant Engineer at least from the date juniors to them were promoted in light of Notification No.19300 dated 13.10.2023 issued by the General Administration Department, Government of Bihar without interfering or taking into consideration, as to whether, the juniors to the petitioners, who have been promoted were of the same category and petitioners have been discriminated, it is left open to the authority concerned to decide the case of the petitioners and if the petitioners are entitled for being promoted, the same should be done in accordance with law, not beyond a period of three months in respect of the petitioners.

5. The writ petition is, accordingly, disposed of.

6. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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