

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15981 of 2024

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1. Mukesh Kumar son of Paltu Das R/o- 29, Shahpur, Ward No.03, Police Station-Narayanpur, District-Bhagalpur, Narayanpur, Bihar-853203.
 2. Sribhagwan Prasad son of Kapil Muni Prasad R/o Ward No.06, Dumraon, Police Station- Dumraon, District-Buxar, Dumraon, Bihar-802119.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector, Saharsa, District-Saharsa, Bihar.
4. The Additional Collector, Saharsa, District-Saharsa.
5. The District Land Acquisition Officer, Saharsa, District- Saharsa.
6. The Deputy Collector (Establishment), Saharsa, District- Saharsa.
7. The Circle Officer, Navhatta, District-Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Verma, Advocate
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-10-2024

Heard the parties.

2. The petitioners have invoked the jurisdiction of this Court seeking a direction upon the respondents to consider the claim of the petitioners for promotion on the post of Kanungo from the post of Amin, in view of the Gazette Notification, contained in Memo No. 19300 dated 13.10.2023, the copy of which is marked as Annexure-1 to the writ petition.

3. Learned Advocate for the petitioners contended that



the petitioners were duly appointed as Amin with the Land Acquisition Department way back on 01.09.2010. Despite having been rendering the services since long and qualified for promotion to the post of Kanungo, their case have not been considered, though the persons, who have been serving to different departments, their cases have been duly considered and promotion have also been accorded to them. It is further contended that the petitioners have indefeasible right to be considered for promotion and if the same is denied, it would certainly violates the fundamental right to be considered for promotion. Drawing the attention of this Court to the order passed by the learned co-ordinate Bench of this Court in identical matters (Annexure-P/6), it is next contended that if the writ petition is disposed off in terms of the order of this Court, the petitioners shall be satisfied.

4. Learned Advocate for the State submits that if the petitioners are eligible to be considered for promotion, the same shall be done by the concerned respondents, in accordance with law. However, he prays for a short adjournment to seek instruction.

5. Having heard the learned Advocate for the respective parties, as also in view of the settled legal position,



this Court is of the opinion that the employees are entitled for being considered for promotion, subject to them satisfying the eligibility criteria, and failure to consider an employee for upgradation/promotion to the higher post would certainly violates their fundamental rights.

6. In view of the settled legal position and considering the Government notification issued vide Memo No. 19300 dated 13.10.2023, directing all the departments to consider the case of the employees, who are eligible for promotion, this writ petition stands disposed off with a direction to the respondent no. 2 to consider the claim of the petitioners for promotion to their respective higher post, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off with the aforesaid observation.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.10.2024
Transmission Date	NA

