

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3636 of 2025

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Kishore Kunal Son of Late Ram Swarth Singh, Resident of Village- Dr.
Narayan Prasad Lane Math, Lakshmanpur, P.S. Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary (Health), Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director in Chief, Disease Controller Public Health and Para Medical Health Services, Patna.
4. The Superintendent, Bhagwan Mahabir Institute of Medical Sciences, Pawapuri, Nalanda.
5. The Accountant General, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Anand
		Mrs. Madhuri Kumari
For the Respondent/s	:	Mr. Prabhu Narayan Sharma

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 03-03-2025

Heard learned counsel for the petitioner as well as
learned counsel for the respondents-State.

2. This petition has been preferred by the petitioner
seeking his promotion from the post of Lower Division Clerk to
Upper Division Clerk in view of notification dated 13.10.2023



issued by the General Administration Department, Government of Bihar, Patna, Annexure-P/1.

3. It is submitted by the learned counsel for the petitioner that petitioner has been transferred from Shri Krishna Medical College, Muzaffarpur to Bhagwan Mahabir Institute of Medical Sciences, Pawapuri, Nalanda on 01.03.2023. He joined his services there on 16.03.2023. Meanwhile, notification was issued on 13.10.2023 by the General Administration Department, Government of Bihar, Patna, wherein it was decided to grant promotion to all employees of the State services with pay scale to the higher post and for that certain guidelines were issued. As per notification dated 13.10.2023, the petitioner was also entitled to grant of his promotion to the post of Upper Division Clerk. In the notification, it was directed that all the departments will complete the process of promotion to the higher post within a period of two months from the date of issuance of said notification i.e. 13.10.2023. Though the petitioner has joined his services at Bhagwan Mahabir Institute of Medical Sciences, Pawapuri, Nalanda but his service book, leave account and other documents were not sent by the Principal, Shri Krishna Medical College, Hospital, Muzaffarpur. Therefore, letter dated 23.11.2023, i.e. Annexure-P/2, has been



written by the Superintendent, Bhagwan Mahabir Institute of Medical Sciences, Pawapuri, Nalanda to the Principal, Shri Krishna Medical College, Hospital, Muzaffarpur, whereby referring to the notification dated 13.10.2023, it was categorically written by him that service book of the petitioner is not received yet, therefore, his promotion in lieu of notification dated 13.10.2023 is affected. In spite of that, service book of the petitioner has not been sent by the Principal, Shri Krishna Medical College, Hospital, Muzaffarpur. Therefore, petitioner is not get benefit of his promotion.

4. Learned counsel further submits that the custodian of the service book of the petitioner was the Principal, Shri Krishna Medical College, Hospital, Muzaffarpur, who had to send the same to the Superintendent, Bhagwan Mahabir Institute of Medical Sciences, Pawapuri, Nalanda but it was not done by him, for this there was no fault of the petitioner and he has wrongly been denied for his promotion. He lastly submits that he has already made his representation on 21.01.2025 for grant of his promotion i.e. Anneuxre-P/3 but no decision has yet been taken by the respondents. Therefore, it is prayed by the counsel for the petitioner that the writ petition may be disposed of directing the concerned respondent to consider and decide the



matter of promotion of the petitioner within the specific period fixed by this Court.

5. Learned counsel appearing on behalf of the respondents-State opposes the arguments raised by the counsel for the petitioner and submits that representation has been made by the petitioner belatedly i.e. on 21.01.2025, therefore, as of now, petitioner is not entitled to get any benefit of notification dated 13.10.2023.

6. Having heard learned counsels appearing for both the parties and perused the records, it would be appropriate to dispose of the writ petition at this stage itself giving liberty to the petitioner to make a fresh representation. Accordingly, the writ petition is disposed of. Petitioner is directed to make his representation within 15 days from today raising all grounds which he raised in this writ petition before the concerned authority/respondent and in turn, the concerned authority/respondent is also directed to decide the same in accordance with law within 45 days from the date of receipt of such representation and further taking into consideration the fact that petitioner was not the custodian of his service book and his promotion was affected due to non-supply of the service book from the Principal, Shri Krishna Medical College, Hospital,



Muzaffarpur to Bhagwan Mahabir Institute of Medical Sciences,
Pawapuri, Nalanda and pass a reasoned order accordingly.

7. With the above observation/direction, the writ
petition is disposed of.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	06.03.2025
Transmission Date	NA

