

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5183 of 2025**

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1. Deepak Kumar, Son of Haridat Prasad Yadav, Resident of Village- Haribola, P.O- Routa, P.S -Kumar Khand, District- Madhepura.
2. Ram Kumar Yadav, Son of Shiv Prasad Yadav, Resident of Village- Bhawanipur, P.O- Routa, P.S- Kumar Khand, District- Madhepura.
3. Amit Kumar, Son of Brahamdeo Prasad Mehta, Resident of Village- Haribola, P.O- Routa, P.S- Kumar Khand, District- Madhepura.
4. Roushan Kumar, Son of Shri. Dev Narayan Singh, Resident of Village- Ramganj, PO- Routa, P.S- Kumar Khand, District- Madhepura.
5. Prabhash Kumar, Son of Basudeo Yadav, Resident of Village- Bhairapur, P.S- Kumar Khand, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar Patna.
2. The Additional Chief Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
4. The Additional Chief Secretary, Home Department Government of Bihar, Patna.
5. The Under Secretary to the Government, Home Department (Police Branch), Government of Bihar, Patna.
6. The Under Secretary to the Government, Home Department Government of Bihar, Patna.
7. The District Magistrate, Madhepura, District- Madhepura.
8. The Superintendent of Police, District- Madhepura.
9. The Circle Officer, Madhepura.
10. The Station House Officer, Kumar Khand, District- Madhepura.
11. The District Promotion Committee through District Magistrate, Madhepura.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Dinu Kumar, Advocate<br>Ms. Ritika Rani, Advocate<br>Ms. Rupali, Advocate |
| For the Respondent/s | : | Mr. Venkatesh Kirti, AC to GA.2                                               |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      03-04-2025      Learned counsel for the petitioners and learned



counsel for the State are present.

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

*“i. For commanding the District Magistrate, respondent no.7 concerned to promote the petitioners to the post of In-charge clear on ad hoc - basis pursuant to Temporary Substitute Executive Arrangement Rules, 2023 (for brevity Rules 2023) from due date.*

*ii. For commanding the respondents to give monetary benefit of ad - hoc promotion to the post of In-charge clerk from the due date as per Rules 2023 considering many government employees have been granted promotion since October, 2023”.*

3. Learned counsel for the petitioners submits that all five petitioners are currently employed as Chaukidars, and in light of Annexure P/5, which is the letter issued under Memo No. 4009 dated 24.05.2013, they are entitled to promotion to the post of Lower Division Clerk (Class C) from their current Class ‘D’ posts. Learned counsel further states that the Circle Officer of Kumarkhand has prepared and forwarded a list to the In-charge Officer of the General Branch, Madhepura, by Letter No. 1120-2 dated 12.12.2023, but no decision has been taken as yet. The petitioners have submitted a representation to the District



Magistrate, Madhepura, as per Annexure P/11, but till date, no action has been taken.

4. Learned counsel for the State submits that time may be granted to file counter affidavit.

5. In the aforesaid background, the Court is of the view that the documents annexed to the writ petition, *prima facie*, indicate the petitioners' entitlement and the decision regarding the matter ought to have been made by the District Magistrate concerned, before whom the petitioners' representation is currently pending.

6. Hence, this writ petition is disposed off with a direction to the District Magistrate, Madhepura, to take a decision on the petitioners' representation, as contained in Annexure P/11, and to pass a reasoned and speaking order within 90 days from the date of production or receipt of a copy of this order, in accordance with the law.

**(Dr. Anshuman, J)**

Ashwini/-

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