

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4182 of 2024

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Neelkamal son of Shri Naresh Prasad, resident of Village/Mohalla-R.M.S. Colony, Road No. 1, P.S.-Kankarbagh, District-Patna at present posted as Rural Development Officer cum In Charge Block Development Officer, Pandarak, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Rural Development, Govt. of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, General Administrative Department, Govt. of Bihar, Old Secretariat, Patna.
4. The Secretary, Rural Development, Govt. of Bihar, Old Secretariat, Patna.
5. The Joint Secretary, Rural Development, Govt. of Bihar, Old Secretariat, Patna.
6. The Deputy Secretary, Rural Development, Govt. of Bihar, Old Secretariat, Patna.
7. The Deputy Secretary, General Administrative Department, Govt. of Bihar, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Arun Kumar, Advocate
For the Respondent/s : Mr Ramadhar Singh, Government Pleader 25

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 02-07-2025

This petition has been preferred by the petitioner directing the respondents to grant promotion to the petitioner in the higher pay level (Pay Level 9) under Bihar Rural Development



Service Cadre from 01.11.2017. Also grant of second promotion in higher pay level (Pay Level 11) from 01.11.2022.

2 It is submitted by the learned counsel for the petitioner that the petitioner was appointed to the post of Rural Development Officer and joined the services on 01.11.2013. According to the Rules, the petitioner is eligible for higher pay (Pay Level 9) and subsequently Pay Level 11 from 01.11.2017 and 01.11.2022 respectively as he has already completed total 9 years of service from the date of his initial appointment. Learned counsel further submits that first meeting of Departmental Promotion Committee (for brevity, **DPC**) was held on 01.03.2019 wherein the case of the petitioner has not been considered as his Performance Appraisal Report (for brevity, **PAR**) was not available. Now, the claim of the petitioner has not been considered only on the ground that a criminal case is pending against him.

3 Undisputedly, one FIR has been lodged against the petitioner on 05.03.2019 on the basis of which Vigilance PS Case No 9 of 2019 has been registered against him. On two occasions, the sanction for prosecution of the petitioner has not been given by the Government and finally sanction has been given vide order dated 27.09.2021. There is also no dispute on the point that at the time of convening the meeting of first DPC dated 01.03.2019, the



petitioner was eligible for grant of promotional benefit and by that time, he has already completed 9 years of service. However, his name was not considered on account of non-availability of PAR. Subsequently, when claim of the petitioner has been rejected, by that time, sanction for the prosecution of the petitioner has been accorded by the Government.

4 Taking into consideration the above facts, it would be appropriate to dispose of the petition at this stage itself giving liberty to the petitioner to make a fresh and detailed representation before the respondents raising all the grounds which he has raised in this petition. In turn, the concerned respondents shall pass a reasoned and speaking order on the representation filed by the petitioner.

5 Accordingly, the petition is disposed of.

6 Petitioner is directed to make his representation before the concerned respondents raising all the grounds which he has raised in this petition. On his submission of such representation, the concerned respondents shall dispose of the same in accordance with the rules and law as early as possible preferably within a period of 90 days from the date of submission of such representation.



7 Petitioner will be at liberty to approach this Court again if the occasion so arises later on.

(Arvind Singh Chandel , J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2025
Transmission Date	NA

