

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10074 of 2025

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Dilip Kumar Bhattacharya S/o Late Nilmani Bhattacharya, R/o Bhatta Bengali Tola, Post-Purnia, P.S.-K. Hat, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Engineer in Chief, Irrigation Creation, Water Resources Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Water Resource Department, Master Planning Investigation and Project Preparation, Anisabad, Patna (Samagra Yojana Anweshan Evm Yojana Ayojan).
6. The Superintending Engineer, Master Planning Investigation and Project Preparation Circle, Gaya.
7. The Executive Engineer, Irrigation Division-1, Purnea.
8. The Executive Engineer, Master Planning Investigation and Project Preparation Division, (Baunsi), Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the State : Mr. Iqbal Asif Niazi, (AC to GP-5)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed in the nature of writ of mandamus commanding the respondents for the following relief/s:-

“1. To grant due promotions to the petitioner



i.e. First MACP in the unrevised pay-scale of Rs.6500-10,500/- with revised pay band of Rs. PB-2+4800/- similarly second MACP in the unrevised pay-scale of Rs.10,000-15,200/- with revised pay band of Rs. PB-3+ 6600/-in light of the letter no.5152 dated 21-05-2013 issued by the Finance Department, Govt. of Bihar (Annexure-P8/1) and in compliance of the letter no. 163 dated- 08.01.2016 of Finance Dept. Govt. Bihar (Annexure-P8) as well as in light of the memo no.2162 dated 28-02-2024 issued by the Finance Department, Govt. of Bihar (Annexure-P10) and accordingly revise the salary and make payment of the arrears.

II. To grant the yearly increments to the petitioner which has wrongly been withheld due to not qualifying the computer literacy test by the petitioner as well as be pleased to grant financial benefits to the petitioner including promotions even without passing the Computer Literacy Exam in light of the order dated 28.06.2024 passed in CWJC No.18727 of 2017 (Kamlanand Thakur Vs. The State of Bihar and Others) by Hon'ble Full Bench Of Hon'ble Patna High Court along with other analogous cases irrespective of the fact whether the petitioner has passed the Departmental Exam/Computer Literacy Exam or not.



III. To pass such other order/orders which may be deemed fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that he has already filed representation before the authority concerned which has not been considered at all.

4. Learned counsel for the State raised preliminary objection and submits that the petitioner has filed representation prior to the decision of Hon’ble Full Bench of this Court *vide* order dated 28.06.2024 in ***Civil Writ Jurisdiction Case No.18727 of 2017 (Kamlanand Thakur Vs. The State of Bihar & Ors.)*** with other analogous cases, which is apparent from the annexures attached in the present application.

5. In the light of the submissions made, it is hereby directed to the petitioner to file a fresh representation before the The Principal Secretary, Finance Department, Govt. of Bihar, Patna (Respondent no.3) within 30 days from today along with a copy of this order stating and showing that his case is squarely covered from the decision of Hon’ble Full Bench in case of ***Kamlanand Thakur (supra)***. Respondent no.3 upon going through the case of ***Kamlanand Thakur (supra)*** as well as considering the petitioner’s case, shall decide this issue in the



light of Clause 4.C(1) of the Bihar State Litigation Policy, 2011 within 90 days from the date of receipt of the petitioner’s fresh representation.

6. Hence, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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