

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10743 of 2025

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Shafi Akhtar, Son of Md. Akhtar, resident of Village- Jadhua, P.S.- Hajipur,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna, Bihar.
2. The Engineer-in-Chief-cum-Special Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna, Bihar.
3. The Chief Engineer, Irrigation Creation, Water Resources Department, Motihari.
4. The District Magistrate, Vaishali.
5. The Superintending Engineer, Tirhut Canal Circle, Water Resources Department, Muzaffarpur.
6. The Executive Engineer, Tirhut Canal Division, Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Rajpati, Advocate
For the Respondent/s	:	Mr. Additional Advocate General (13) Mr. Ravi Kumar, AC to AAG- 13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-07-2025

Heard the parties.

2. The petitioner has approached this Court for the following reliefs:

“(i) For direction to the respondent authorities to consider the case of the petitioner for promotion on the post of Lower Division Clerk from the date, persons juniors to the petitioner have been granted promotion with all consequential benefits.

(ii) For grant of any other reliefs to



which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. It is submitted that by virtue of Bihar Water Resources Departmental Field Clerical Cadre (Recruitment and Condition of Service) Rules, 2014, the Department initiated the process of appointment in Group-C Cadre on promotion from Group-D Cadre. In the rule relating to promotion, it is categorically stipulated that the candidate obtaining promotion in Group-C post must possess Intermediate pass with knowledge of Computer application. Since the petitioner had knowledge of Computer and his name appeared in the gradation list, he applied for the said post. The final gradation list came to be prepared vide letter no. 2416 dated 18.10.2023 and the name of the petitioner stood at serial no.10, but in the remark column it has been mentioned that though the petitioner stated to have experience in Computer typing, but he does not have the certificate related to it. The Executive Engineer, Tirhut Canal Division, Hajipur immediately sent a letter bearing no. 1549 dated 28.10.2023 to the Chief Engineer, Irrigation Creation, Water Resources Department, Motihari attaching the certificates showing experience in Computer typing in relation to the petitioner and one Sri Akhilesh Kumar Ambast for necessary action regarding promotion.



4. Notwithstanding the aforesaid fact, the juniors to the petitioner have been accorded the promotion on the post of Group-C cadre from Group-D cadre, but the claim of the petitioner has not been considered. It is further submitted that identically situated persons approached this Court in C.W.J.C. No. 14687 of 2024 and C.W.J.C. No. 2487 of 2025, wherein the Court vide orders dated 27.09.2024 and 14.02.2025, considering the facts and circumstances directed the respondents to consider the case of the petitioner(s) for promotion in accordance with Rules, as expeditiously as possible.

5. In the light of the order aforementioned, the case of the identically situated person was considered and finally extended the benefit.

6. Learned Advocate for the State referring to the averments made in the counter affidavit refuted the aforementioned contention, however, referring to paragraph 19 thereof fairly submitted that the name of the petitioner will be considered in the next meeting of the Screening Committee, if the post of LDC will be vacant in the zone of Chief Engineer, Irrigation Creation, Water Resources Department, Motihari.

7. Considering the submissions set forth by the learned Advocate for the respective parties and taking note of



letter no. 1549 dated 28.10.2023, issued under the signature of Executive Engineer, Tirhut Canal Division, Hajipur addressed to the Chief Engineer, Irrigation Creation, Water Resources Department, Motihari, as contained in Annexure-P/2 Series, as well as the stand of the respondent State, as noted hereinabove and the order of this Court passed in C.W.J.C. No. 14687 of 2024 and C.W.J.C. No. 2487 of 2025, this Court directs the concerned respondents to pass a reasoned and speaking order with regard to promotion of the petitioner after proper examination of the certificate of the petitioner relating to Computer typing preferably within a period of eight weeks from the date of receipt of a copy of this order.

8. If the petitioner is found eligible, necessary consequential order be issued in accordance with law.

9. With the aforesaid direction, the writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2025
Transmission Date	NA

