

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11834 of 2025

Md. Aquil Haidar Son of Late Md. Ismail, Resident of Fida Hussain Road
Maqdamabad, Jehanabad, at present Residing at Akash Ganga Apartment
Block-C, Flat No.403, Ashiana Digha Road, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Main Secretariat, Patna-800015.
2. The Additional Chief Secretary, (ACS), General Administration Department, Government of Bihar, Old Secretariat, Patna-800015.
3. The Secretary, General Administration Department, Government of Bihar, Vikas Bhawan, New Secretariat, Bailey Road, Patna-800015.
4. The Additional Secretary, General Administration Department, Government of Bihar, Vikas Bhawan, New Secretariat, Bailey Road, Patna-800015.
5. The Under Secretary, General Administration Department, Government of Bihar, New Secretariat, Vikas Bhawan Patna-800015.
6. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.
7. The Bihar Public Service Commission, through Secretary 15 Jawahar Lal Nehru Marg, Bailey Road, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Niranjana Kumar, Adv.
For the Respondent/s	:	Mr. Jitendra Kumar Roy, SC-13 Mr. Bijay Bhushan Prasad, AC to SC-13
For the BPSC	:	Mr. Sanjay Pandey, Adv. Mr. Nishant Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2025 Heard the parties.

2. The petitioner is aggrieved with the notification contained in Memo No. 11784 dated 29.06.2025, issued under the signature of respondent no. 5, whereby the persons junior to the petitioner have been given charge of Director (Joint Secretary Level) in its prescribed salary in the temporary



officiating/arrangement against the higher posts of promotion in the garb of Notification No. 19300 dated 13.10.2023.

3. It is the specific case of the petitioner that the officiating promotion granted to the persons junior to the petitioner under Memo No. 11784 dated 29.06.2025, without preparation of any gradation list in terms with the principles of seniority upheld in judgment/order passed in LPA No. 173 of 2018 dated 26.09.2022, arising out of a judgment/order passed in CWJC No. 16014 of 2016 dated 13.11.2017, is wholly arbitrary and illegal. The officiating promotion to the juniors is said to be wholly discriminatory and against the mandate of the learned Division Bench of this Court in LPA No. 173 of 2018 as also the notification no. 19300 dated 13.10.2023, apart from in violation of Article 14 and 16 of the Constitution of India.

4. In course of argument, it has been apprised to this Court that now the petitioner, who has been holding the post of Deputy Secretary, Building Construction Department is going to superannuate on 31.07.2025 and thus, serious prejudice would be caused, if his claim for officiating promotion shall not be considered in time.

5. Learned Advocate for the State submitted that before approaching this Court, the petitioner should bring entire



facts to the authorities concerned and any failure on their part to take any action, the petitioner should approach before this Court.

6. Considering the entire gamut of the matter, in the ends of justice, this Court deems it fit and proper to direct the respondent no. 2 to consider the claim of the petitioner for officiating promotion, in the light of the notification no. 19300 dated 13.10.2023, as also in view of the submissions aforementioned, besides persons juniors to the petitioner have been accorded promotion, on officiating basis without adhering to the seniority, ignoring the claim of the petitioner, preferably within a period of two weeks, from today.

7. It is made clear that if the case of the petitioner finds favour, appropriate consequential order shall be passed, within the stipulated period.

8. With the aforesaid direction, the writ petition stands disposed off.

(Harish Kumar, J)

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