

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12873 of 2025

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Uma Shankar Son of Late Jawahar Lal Pandey, Resident of Mohalla- Ganjpar
(Mahavir Chowk), P.O. and Police Station- Barbiga, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Sheikhpura.
4. The District Programme Officer, (Establishment), Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (7)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-08-2025

Heard the parties.

2. The petitioner has approached this Court seeking a direction upon the respondents to appoint him as a Clerk by way of promotion from Class-IV post to Class-III post and to grant all the consequential benefits for which the petitioner is found entitled.

3. The petitioner was appointed on compassionate ground under letter as contained in Memo No. 792 dated



20.12.2006 issued by the District Education Officer, Sheikhpura. It is submitted that in the year 2008, the petitioner had passed his B.Sc. Examination and in the meanwhile, the Government of Bihar and the Department of Education has come up with a Letter No. 1971 dated 13.08.2012 providing, *inter alia*, 15% of Class-III post to be filled up by way of promotion from Class-IV post employees.

4. In pursuant to the letter afore-noted, the petitioner along with other eligible employees filed applications for their promotion from Class-IV to Class-III post. On being found eligible, the Headmaster of the said school submitted the details of Class-IV employees in the prescribed proforma in response to the Letter No. 1824 dated 25.10.2023 issued by respondent No. 3. A panel was duly prepared and as per the seniority of Class-IV employees, the name of the petitioner figured at serial No. 3. Notwithstanding the 17 vacancies of Clerk, prior to preparation of panel, further two more post became vacant in different high schools and thus there were altogether 19 vacant post. Hence, in any view of the matter, three post should be filled up in terms with Government Letter No. 1971 dated 13.08.2012 by promoting the Class-IV employees on Class-III post. But surprisingly, only two



candidates from the panel, namely, Shri Vijay Kumar and Diwakar Kumar Pandey were appointed and posted as Clerk by way of promotion under Memo No. 683 dated 13.03.2024. It is the specific contention of the petitioner that 15% of 19 vacant post comes to 3 post and thus, in any circumstances, the petitioner being third in the panel, his name should be considered for appointment by way of promotion to Class-III post.

5. Learned Advocate for the State, at the outset, submitted that the grievance as noted, hereinabove, has already been put forth before the District Education Officer, Sheikhpura by filing a detailed representation and he is the competent authority to look into the matter.

6. Having considered the submissions advanced by the learned Advocate for the respective parties, this Court deems it appropriate to dispose off the writ petition with a direction to the District Education Officer, Sheikhpura to consider the representation of the petitioner as contained in Annexures- 11 and 12 by passing a reasoned and speaking order in the light of the submissions noted hereinabove as also taking note of the availability of the vacancies, preferably within a period of twelve weeks from the date of receipt/production of a copy of



this order, in accordance with law.

7. Accordingly, the present writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2025
Transmission Date	NA

