

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7355 of 2026

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Manoj Kumar Son of Late Manan Ram, resident of Amrudi Gali, Near- Tapan Press, Machua Toli, Arya Kumar Road, P.S.- Kadamkuan, District- Patna, PIN- 800004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Govt. of Bihar, Patna.
4. The Chief Engineer (South), N.H. Wing, Road Construction Department, Bihar, Patna.
5. The Superintending Engineer, N.H. Circle, Road Construction Department, Dehri-on-Sone.
6. The Executive Engineer, N.H. Division, Road Construction Department, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Srijan, Advocate
For the Respondent/s : Mr. U.S.S. Singh, GP-19

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 14-05-2026

Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for issuance of appropriate writ/writs, order/orders, direction/directions to the respondent no. 5, the Superintending Engineer, N. H. Circle, Road Construction Department, Dehri-on-Sone, to grant promotion to



the petitioner on the post of Head Clerk with effect from January, 2024 as the petitioner is otherwise fit for promotion and post of Head Clerk is vacant in the N. H. Circle, Dehri-on-Sone and allow all consequential benefits, including monetary and arrears of difference of salary and allowances. Respondent no. 5, the Superintending Engineer, N. H. Circle, Road Construction Department, Dehri-on-Sone, be further directed to grant benefits of 1st and 2nd MACP to the petitioner from the date the petitioner has completed 10 and 20 years of service in view of Finance Department decision, as contained in letter no. 4862 dated 29/04/2025, Annexure-P/44, which has been issued in compliance of different orders and judgments of Hon'ble Patna High Court and Hon'ble Supreme Court of India and allow all consequential benefits, including monetary and arrears of difference of salary and allowances.

3. Learned counsel for the State raised preliminary objection and submits that the Government of Bihar through General Administration Department has framed a rule namely Bihar Government Servant Grievance Redressal Rules, 2019 (hereinafter referred to as 'Rules of 2019') to deal such type of situations and petitioner has liberty to avail his remedy by filing complaint before the concerned authority.



4. Upon perusal of the said Rules of 2019, it transpires to this Court that under Rule 2(c) of the Rules of 2019, the word 'complaint' has been defined, which reads as under:-

“2(c) 'Complaint' refers to all matters relating to the service and service benefits of serving and retired personnel of State Government as - (1) related to appointment (2) Service confirmation related (3) related to salary payment and increment (4) Promotion, A.C.P., M.A.C.P. related (5) priority/preference assessment related (6) related to the approval of leaves other than casual leave (7) related to salary during leave (8) related to approval and payment of allowances (9) Medical reimbursements (10) related to payment of retirement benefits such as pension, gratuity, group insurance, encashment of the unavailed leaves and payment of General Provident Fund. However, if any of the above related matter is under any Court's consideration then it will not be considered as a complaint under this system. But further, matters relating to disciplinary & departmental action, and transfer / posting / deputation will not be included as complaints under this. Any case, under the Right to Information Act, 2005 will also not be considered as a complaint under this system.”

4.1. And the procedure for filing a complaint has also been prescribed under Rule 3 of the Rules of 2019, which reads



as under:-

“3. Procedure for filing a complaint- *Procedure for registering complaints related to service matters and retirement benefits will be as follows -*

(a) Any employee of the Bihar State Government, serving or retired, of any group can file any complaint related to their service matters and/or retirement benefits, through online mode. In the event of death of a Government Personnel, complaint can be lodged by his/her dependent, The applicant will have to mention the details of the office / officer, his/her complaint is related to. Other relevant details will also have to be provided in the online application.

(b) In one application, complaint related to only one subject can be filed. Since no fee is required for registering a complaint, therefore, if a complainant wants relief in more than one subject then he/she has to register a separate application for it. In spite of this, if in the same application relief on more than one subject is being sought for, then in that case, the first issue mentioned in the complaint application will be considered as the complaint and further action will be taken on the same.”



5. In this view of the matter, it is hereby directed to the petitioner to avail his remedy by way of filing a complaint under Rules of 2019 before the concerned authority, within 30 days from today. The concerned authority is directed to decide this matter according to the time frame specified in the said Rules of 2019 itself.

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

(Dr. Anshuman, J)

Mkr./Bipin/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2026
Transmission Date	

