

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9508 of 2026

Arvind Kumar Son of Sri Mahavir Choudhary, Resident of Mahavir Villa,
Mahavir Lane behind Srikunj Apartment, East Boring Canal Road, P.S.-
Krishnapuri, P.O.- Patna G.P.O., District- Patna, Bihar- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, General Administration Department,
Government of Bihar, Patna.
4. The Additional Secretary, Rural Works Department, Government of Bihar,
Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Shrivastava, Sr. Advocate Mr. Pranav Raj, Advocate Mr. Krishna Murari, Advocate Mr. Sourav Suman, Advocate Ms. Shreyashi Raj, Advocate
For the State	:	Mr. Md. Irshad (AC to SC-1)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 06-07-2026

Heard learned Senior counsel Mr. Abhinav Shrivastava assisted by Mr. Pranav Raj, Advocate and Mr. Krishna Murari, Advocate for the petitioner and learned counsel Mr. Md. Irshad (AC to SC-1) for the State.

2. The present writ petition has been filed for the following relief/s:-

*“I. For issuance of an appropriate writ,
order or direction commanding the*



respondent authorities to grant the petitioner the benefit of temporary officiating executive arrangement/higher post charge on the post of Chief Engineer along with prescribed Pay Level-13A under the Temporary Substitute Executive Arrangement Rules, 2023 (अस्थायी स्थानापन्न कार्यकारी व्यवस्था नियमावली, 2023) with effect from the same date on which such benefit was granted to officers junior to the petitioner;

II. For issuance of an appropriate writ, order or direction commanding the respondents to extend all consequential service and monetary benefits including fixation of pay, arrears and seniority related benefits flowing from such grant;

III. For issuance of an appropriate writ, order or direction declaring the action of the respondents in denying the petitioner the prescribed pay scale benefit under the Temporary Substitute Executive Arrangement Rules, 2023 (अस्थायी स्थानापन्न कार्यकारी व्यवस्था नियमावली, 2023) solely on account of pendency of criminal proceeding, despite subsequent acquittal of the petitioner from all charges vide judgment dated 04.07.2025, as arbitrary, illegal and unsustainable in law;

IV. For issuance of an appropriate writ,



order or direction commanding the respondents to consider and dispose of the representations dated 28.04.2026 (as contained in ANNEXURE- P/8 series) submitted by the petitioner before the Additional Chief Secretary, General Administration Department, Bihar, Patna as well as the Secretary and Additional Secretary, Rural Works Department, Government of Bihar, Patna in accordance with law within a time bound period;

V. Pass such other order/orders, direction/directions for which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Learned Senior counsel for the petitioner categorically submits that the petitioner who was subject matter of the departmental proceeding and criminal proceeding both, has been exonerated in the departmental proceeding as well as in the criminal proceeding both. The orders have been annexed here as Annexures- P/6 & P/7 of the writ petition. Senior counsel submits that after the end of shadow on the petitioner's promotional aspect, he has filed representation which is annexed as Annexure-P/8 series before the authority concerned, but till date, no decision has been taken.



4. Learned counsel for the State submits that representation has been filed which is annexed as Annexure-P/8 series, in which, representation has been made to the Secretary and Additional Secretary, Rural Works Department, Government of Bihar, Patna and Additional Chief Secretary, General Administration Department, Bihar, Patna. Counsel submits that a time frame may be fixed so that decision may be taken on the petitioner's representation.

5. In light of the submissions made by the learned Senior counsel for the petitioner, it transpires to this Court that *prima-facie*, upon the end of departmental proceeding as well as the criminal proceeding both, the petitioner is entitled to the promotion in accordance with Temporary Officiating Executive Arrangement Rules, 2023 (अस्थायी स्थानापन्न कार्यकारी व्यवस्था नियमावली, 2023), if there is no stay by any higher authorities on the decision in the departmental proceeding or criminal proceeding.

6. This Court has one option at the hand i.e. to direct the State for filing counter affidavit, but, this Court is of the view that direction for filing counter affidavit shall make unnecessary delay. Therefore, this Court hereby directs the Secretary, Rural Works Department, Government of Bihar,



Patna (Respondent no. 2) to take a decision on the petitioner’s representation within six weeks from the date of production of a copy of this order. It is made clear that the petitioner shall also file representation before the Additional Chief Secretary, General Administration Department, Bihar, Patna (Respondent no. 3). It is directed to the Respondent no. 3 to co-ordinate with Respondent no. 2 in the matter of petitioner in consideration of his representation.

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

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	08/07/2026
Transmission Date	NA

