IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16163 of 2026

CNR No. BRHC011064892026

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Sudarshan Prasad Singh Son of Late Baliram Singh, Resident of E/302, Asu Enclave, Ara Garden Road, Jagdeo Path, P.S.- Rupaspur, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health and Engineering Department, Bihar, Patna.
2. The Joint Secretary, Public Health and Engineering Department, Bihar, Patna.
3. The Deputy Secretary, Public Health and Engineering Department, Bihar, Patna.
4. The Engineer-In-Chief- Cum- Special Secretary, Public Health and Engineering Department, Bihar, Patna.
5. The Chief Engineer (Mechanical), Public Health and Engineering Department, Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vinay Ranjan, Advocate
Mr. Utkarsh Ranjan, Advocate
For the Respondent/s : Mr. Jainendra Kumar Pushkar, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 23-11-2026 Heard Mr. Vinay Ranjan and Mr. Utkarsh Ranjan, learned counsel for the petitioner along with Mr. Jainendra Kumar Pushkar, learned A.C. to S.C.-18 on behalf of the State.

2. With the consent of the parties, the present writ application is being disposed of at this stage itself.

3. The present writ application has been filed on behalf of the petitioner for a direction to the respondent authorities to consider and grant promotion to the petitioner to

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the post/rank of Superintending Engineer (Mechanical) in Pay Level-13, under the provisions of the Temporary Officiating Executive Arrangement Rules, 2023 (Asthyai Sthanapan Karyakari Vyavastha Niyamawali, 2023) with effect from the date on which his juniors were promoted in the year 2023, along with all consequential benefits, including fixation of seniority and pay.

4. In the year 2018, a provisional seniority list of Bihar Engineering Service (Mechanical) was published vide Letter No. 472 dated 02.08.2018 wherein the petitioner was placed at Serial No.7. In the year 2023, a Notification vide Memo No. 19300 dated 13.10.2023 was issued introducing the Temporary Officiating Executive Arrangement Rules, 2023 and two Executive Engineers junior to the petitioner, placed at Serial Nos. 8 and 9, were granted temporary officiating promotion to the rank of Superintending Engineer vide Memo No. 612 as per Annexure P/4 of this writ application.

5. It is submitted on behalf of the petitioner that the juniors to the petitioner were granted promotion while the petitioner was not granted promotion.

6. It is submitted on behalf of the State that earlier the departmental proceeding was initiated and a minor punishment

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of censure was granted to the petitioner.

7. Learned counsel for the petitioner submits that the period of minor punishment has already been lapsed in the year 2022 itself and the juniors to the petitioner were granted promotion in the year 2023. Therefore, the petitioner submits that the petitioner may also be granted promotion with effect from 2023 for which the petitioner has filed a representation before Respondent No. 1 (Principal Secretary, Public Health and Engineering Department, Bihar, Patna) requesting promotion to the post of Superintending Engineer based on his seniority, pointing out that the currency of the punishment period had already been lapsed.

8. It is, therefore, submitted that the Respondent No. 1 (Principal Secretary, Public Health and Engineering Department, Bihar, Patna) may be directed to adjudicate the claim of the petitioner with regard to the promotion for which the petitioner is ready to file a fresh representation.

9. Learned counsel for the petitioner submits that the petitioner may be directed to file the representation before Respondent No. 1 providing details of his service profile along with all the supported materials for adjudication of the claim.

10. Considering the above, the petitioner is directed to

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file a fresh representation before the Respondent No. 1 (Principal Secretary, Public Health and Engineering Department, Bihar, Patna) along with all the supported documents within a period of four weeks from today.

11. If the representation is filed, the same shall be disposed of within a period of eight weeks. It is needless to emphasize that the final order which shall be passed by the Respondent No. 1 must be a reasoned and speaking order and liberty of hearing should be granted to the petitioner.

12. It is further clarified that if the Respondent No. 1 comes to the conclusion that the petitioner is entitled for the relief which he would be claiming through his representation, the same should be extended to the petitioner within a period of four weeks from passing of the final order.

13. With the aforesaid observations/directions and liberty granted, this writ application stands disposed of.

(Kumar Manish, J)

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