

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.69 of 2025

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Rajan Kumar, Son of Late Umakant Tiwari, Resident of Mohalla-Sachidanand Nagar, Near Aero Drum, Police Station- Tilka Manjhi, District-Bhagalpur. At present posted and working as a Lower Division Clerk in the office of the District Education Officer, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
6. The District Education Officer, Bhagalpur-cum-the Chairman, Screening Committee Divisional Promotional Committee, Bhagalpur.
7. The District Education Officer, Bhagalpur.
8. The District Programme Officer (Establishment), Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondents	:	Mr. Ajay Behari Sinha, GA-8
		Mr. Neeraj Raj, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-02-2026 Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for the following reliefs :-

“I. For issuance of an appropriate writ in the nature of certiorari for quashing the promotion order contained in memo nos. 1028, 1029 and 1030 issued under the signature of the Regional Deputy Director of Education,



Bhagalpur Division, Bhagalpur, by which, in a most arbitrary manner, the guidelines contained in memo no. 11772 dated 20.06.2023 issued by the General Administration Department, Govt. of Bihar, which is with regard to seniority of the employees transferred on their own request has been decided, has not at all been considered and the petitioner even though being senior to some of the clerks, who have been promoted on the post of Head Clerk vide memo no. 1029 dated 25.12.2023, has arbitrarily been left out, which is clearly goes to show that there are mass irregularities in the aforesaid promotion orders whereby the guidelines of the General Administration, Bihar, Patna, which has been followed in other Divisions of the State of Bihar and in the Collectorate of Bhagalpur, Patna, Nalanda, Gopalganj, Buxar and Other districts for deciding the seniority, has not at all been considered in the aforesaid promotion orders.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider and redress the genuine grievance of the petitioner for his promotion on the post of Head Clerk by deciding the seniority in terms of memo no. 11772 dated 20.06.2023 issued by the General Administration Department, Govt. of Bihar with retrospective effect when other similarly situated clerks of divisional cadre, Bhagalpur Division, have been promoted on the post of Head Clerk along with



all consequential benefits.

III. For issuance of an appropriate writ as an alternative prayer of the petitioner to dispose of the representation of the petitioner, which is with regard to his promotion on the post of Head Clerk in the Bhagalpur Division, by reasoned and speaking order by ventilating his genuine grievance for his promotion on the said post of Head Clerk as juniors to him has been promoted on the post of Head Clerk whereas, the petitioner has arbitrarily been left out by calculating his seniority from the date of his joining on transferred post which is completely against the aforesaid letter of the General Administration Department, Govt. of Bihar contained in memo no.11772 dated 20.06.2023.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner will be found entitled in the facts and circumstances of the case.”

3. At the outset, it is submitted by learned counsel for the respondents that the representation/petition of the petitioner was considered by the Divisional Screening Committee, who having considered the case of the petitioner, rejected the same in their meeting held on 21.12.2023, a copy of which has been brought on record as annexure to the counter affidavit filed on behalf of the Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur (respondent no.5).



4. After some argument learned counsel for the petitioner seeks liberty to challenge the said order in accordance with law before the appropriate authority.

5. The writ application stands disposed of with the aforesaid liberty.

(Partha Sarthy, J)

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