

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.457 of 2025

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Amit Kumar Singh S/o Chandrika Singh R/o Mohalla- Faizula, P.O. Lal Bagh, P.S.-Laheriasarai, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Regional Chief Engineer, Public Health Engineering Department, Bihar, Muzaffarpur Zone
5. The Superintending Engineer, Public Health Engineering (Department) Circle, Darbhanga.
6. The Executive Engineer, Public Health Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Respondent/s : Mr. Additional Advocate General (13)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-06-2026

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

2. The present writ petition has been filed for the following reliefs:-

(i) Writ of certiorari for quashing/setting aside office order dated 55 dated 21.11.2024 as contained in Memo No. 882 dated 21.11.2024 issued by the office of the Superintending Engineer, Public Health



Engineering Circle, Darbhanga by which the representation filed by the petitioner in compliance of the order dated 11.7.2024 passed in CWJC No. 10366/2024 (Amit Kumar Singh V/s State of Bihar & ors) was rejected on illegal, non-est, arbitrary and wrong manner not sustainable in the eye of law.

(ii) And/or be pleased to pass a writ in the nature of writ of mandamus or an appropriate writ/wits, order/orders, direction/directions commanding the respondents to grant (post) promotion on due dates with all consequential benefits from group D to Group-C post to the petitioner who has been discharging his duty on a group-D post since 1.9.1986 to till date (about 37 years of service) and in seniority list prepared at circle level his name was placed on the top of seniority list but due to the laches and inaction of the department he has been deprived of the same for which he is legally entitled for.

iii) And/or be pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner had filed a writ petition bearing CWJC No. 10366 of 2024 for grant of promotion from Group-D to Group-C post, in which, vide order dated 11.07.2024, liberty was granted to the petitioner to file a representation along with all relevant documents before respondent no. 5 within 30 days, and



respondent no. 5 was directed to take a decision on the said issue within a period of 90 days.

4. Counsel further submits that the petitioner filed the representation, but the same was rejected vide Office Order No. 55 dated 21.11.2024, as contained in Memo No. 882 dated 21.11.2024, holding that the petitioner was not entitled to promotion from Group-D to Group-C post. Counsel further submits that the said Office Order No. 55 dated 21.11.2024 has been annexed as Annexure-P/3 to the present writ petition.

5. Counsel further submits that the petitioner was admittedly appointed to the post of Peon vide Office Order No. 52 dated 01.09.1986 by the Executive Engineer, Public Health Division, Darbhanga. Since then, the petitioner has been working in the department. Counsel further submits that, with the passage of time, the department was merged and the petitioner started working on the post of Treasury Sarkar/Treasury Keeper in the pay scale of Rs. 2610–3540/-, which is apparent from the office order No. 6 dated 11.08.2000 issued by the office of the Executive Engineer, Public Health Division, Darbhanga.

6. Counsel further submits that the services of the petitioner and others were affirmed vide Office Order No. 19 dated 26.07.2004 issued by the office of the Executive Engineer,



P.H.E. Division, Darbhanga, in which the name of the petitioner appeared at the top of the merit list. Counsel further submits that, even after completion of more than 36 years of continuous service to the full satisfaction of the authorities, the petitioner has not been granted any promotion, despite having made several representations.

7. Counsel further submits that, when the petitioner approached this Hon'ble Court and the Hon'ble Court granted liberty to him to file a representation and directed the respondent Executive Engineer to pass an order thereon, the representation was rejected on the ground that the petitioner had not obtained due permission from the competent authority to appear in the Board examinations for Matriculation and Intermediate.

8. Counsel further submits that the petitioner had, in fact, obtained permission to appear in the said examinations. In this regard, the petitioner has annexed Annexure-P/7, i.e., the application pursuant to which permission was granted to him by the office of the Executive Engineer, P.H.E. Division, Darbhanga vide Memo No. 96 dated 16.01.1987 to appear in the Matriculation Examination (Annexure-P/7 series). Further, vide Annexure-P/8, permission was also granted to the petitioner to appear in the Intermediate Examination.



9. Counsel further submits that, with regard to the issue of appointment of an employee below the age of 18 years, the petitioner has relied upon Annexure-P/14. He submits that, according to the said letter issued by the General Administration Department, the services of the petitioner are legal in the eyes of law. It is, therefore, submitted that in light of the letters annexed as Annexure-P/7 series, Annexure-P/8, and Annexure-P/14, the petitioner's appointment ought to be treated as legal and he is entitled to promotion.

10. Therefore, it is submitted that an appropriate direction be issued for granting the petitioner the next promotion within a stipulated period of time.

11. Learned counsel for the State, on the other hand, submits that there is no merit in the present writ petition on the ground that the appointment of the petitioner is not legal. He submits that, in light of the direction issued by this Court in CWJC No. 10366 of 2024, the representation of the petitioner has already been disposed of by a reasoned and speaking order, wherein adequate reasons have been assigned.

12. Counsel submits that it has been found that the petitioner was appointed at the age of 17 years, 6 months and 13 days. In addition thereto, he passed the Matriculation and



Intermediate examinations in the years 1987 and 1991 respectively, contrary to the applicable Rules. Therefore, the appointment of the petitioner was not treated to be legal, as no due process of appointment had been followed.

13. Counsel further submits that, since the appointment of the petitioner was found to be suspicious and he had received salary during the period when he was pursuing his studies, the petitioner cannot be said to have fulfilled the essential qualifications for promotion from Class-IV to Class-III. It is further submitted that, since the appointment of the petitioner was found to be without due process of law, the same is liable to be treated as illegal and, consequently, the claim of the petitioner deserves to be rejected.

14. In the present facts and circumstances of the case, it transpires to this Court that the respondent authorities have not denied the issuance of the appointment letter, rather, it has been admitted that the office of the Executive Engineer issued the appointment letter vide Office Order No. 52 dated 01.09.1986, contained in Memo No. 1939 dated 01.09.1986, and since then the petitioner has been working on a Class-IV post. It is also admitted that the petitioner started working at the age of 17 years, 6 months and 13 days. However, in light of Annexure-



P/14, a letter issued by the General Administration Department, the appointment of the petitioner before attaining the age of 18 years cannot be treated as illegal.

15. So far as the finding recorded by the Executive Engineer in the impugned order to the effect that the petitioner had completed his Matriculation and Intermediate examinations during the period of service is concerned, this Court, upon perusal of Annexure-P/7 series and Annexure-P/8, is of the opinion that the petitioner, being a Class-IV employee, had appeared in the said examinations after obtaining due permission from his appointing authority.

16. Therefore, in this background, this Court is of the view that the educational qualifications acquired by the petitioner after appearing in the said examinations with due permission of the competent authority cannot be treated as invalid.

17. In this background, this Court is of the firm view that Office Order No. 55 dated 21.11.2024, as contained in Memo No. 882 dated 21.11.2024, issued by the office of the Superintending Engineer, Public Health Engineering Circle, Darbhanga is wholly perverse and bad in law. Accordingly, the aforesaid order is hereby set aside.



18. The Executive Engineer, Public Health Division, Darbhanga (respondent no. 6), is hereby directed to consider the case of the petitioner and place the matter before the competent Committee for consideration of his promotion. While considering the claim of the petitioner, neither his entry into service at a lower age shall operate as a bar to his promotion nor shall his educational qualifications be treated as invalid, inasmuch as the said qualifications were acquired after obtaining due permission from the competent authority.

19. The concerned authority shall take a decision regarding the petitioner's claim for promotion within a period of six months from the date of production/receipt of a copy of this order.

20. Accordingly, the present writ petition stands allowed.

(Dr. Anshuman, J)

Aman Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.06.2026
Transmission Date	NA

