

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1135 of 2026

1. Madan Mohan Sharma S/o- Sudarshan Sharma, R/o- Village and P.O.- Jina, P.S.- Nasariganj, Jina, District- Rohtas, Bihar, Pin- 821310.
2. Triveni Ravidas, S/o - Late Bhadaï Ravidas, R/o- Kasturikhap, P.O.- Bham, P.S.- Aati, Block- Konch, District- Gaya, Bihar, Pin- 824207.
3. Bal Kuwanr Prasad, C/o Ganga Ram, R/o Village- Saunja, P.O.- Raipur Chor, P.S.- Chor, District- Rohtas, Bihar, Pin- 821113.
4. Anil Kumar Singh, S/o- Bhuban Chandra Singh, R/o Village - Juktidi, Purgora, P.O.- Punjoda- Vaya-Ghathshila, District- East Singhbhum, Jharkhand, Pin- 832303.
5. Lalita Devi, W/o- R/o- , P.O.-, P.S.- District-, Bihar, Pin-.
6. Shail Kumari, W/o- Nagendra Tiwari, R/o- Village- Pakri, near Thakurbadi Mandir, Rajpur, District - Rohtas, Bihar, Pin- 802219.
7. Geeta Kumari, W/o- Raj Kishore Ram, R/o- Village and P.O.- Siyawank, P.S.- Baghaila, Sianwak, District- Rohtas, Bihar, Pin- 802219.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary -cum- Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary -cum- Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The District Magistrate, Gaya.
6. The District Education Officer, Rohtas at Sasaram.
7. The District Education Officer, Gaya.
8. The District Programme Officer, (Estab.), Rohtas at Sasaram.
9. The District Programme Officer, (Estab.), Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s : Mr. Government Pleader (27)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR



ORAL ORDER

2 27-01-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

(i) *For directing/commanding the respondents to ensure promotion of the present petitioners against Class III post in view of the Notification No.19300 dated 13.10.2023 issued by the General Administration Department, Govt. of Bihar, Patna, from the due referred in Anx4lge date of respective entitlement,*

(ii) *The answering respondents may kindly be directed to extend similar benefit to the petitioners as has been given vide Memo no 372 dated 29.01.2019 (Annex.-3, pg.-2) to the similarly situated at different offices, under the requirement of work and law as well, in view of Article 14, 16 & 21 of the Constitution of India read with clause 4 (c) of the Bihar State Litigation Policy, in the interest of justice.*

(iii) *The answering respondents simultaneously may kindly be directed to extend additional benefits towards, extension of higher responsibility and may kindly extend logical end to the provisional list prepared for the promotion in question i.e. from Class IV to Class III post.*

(iv) *The answering respondents simultaneously may kindly be directed to extend logical end to the petitioners representation (Annex-5 pg-15) which is under due discharge of legitimate expectation to ensure substantial justice.*

(v) *Any other relief or reliefs also may kindly be allowed for which the petitioner be found entitle, in the interest of justice.*



3. Learned counsel for the petitioner by referring to the Bihar Collectorate Clerical Cadre (Recruitment and Conditions of Service) Rules, 2011 and amended Rules 2013, submits that no seniority list is said to have been prepared by the authorities in the District, for placing the cases of all the eligible persons for being promoted as against 15% of the vacancies earmarked for promotion.

4. It has next been submitted that these petitioners have been working against vacant sanctioned posts on regular basis, having been appointed between year 1987 to 2017, but for no obvious reason, their cases have not been considered against the 15% posts earmarked for promotion. It is the case of these petitioners that although, they entered their service on the basis of a matriculation qualification, but with due permission, they have acquired an intermediate qualification, and in terms of the Bihar Collectorate Clerical Cadre (Recruitment and Conditions of Service) Rules, 2011 and the amended Rules, 2013, they are eligible for promotion against the 15% quota earmarked for promotion to Class-III posts, on having acquired the requisite qualification and eligibility.

5. Learned counsel for the petitioner further submits that although these persons and other similarly situated persons



have acquired the requisite degrees, but for no apparent reason the promotions against the vacancies earmarked to the extent of 15% have not been effected, nor has the seniority list of all the employees belonging to Class-IV / Group-D, been prepared for the purpose of granting such promotion, by resorting to the procedure prescribed for preparation of final seniority list.

6. On the other hand, learned counsel for the State submits that the authorities may be directed to carry out the formalities for grant of promotion by preparing a seniority list of all the employees of Class-IV / Group-D, so that promotion of eligible persons can be considered within the time-line so fixed by this Court.

7. Considering the submissions advanced on behalf of the parties, this Court deems it appropriate to direct the District Education Officer, Rohtas at Sasaram and Gayaji to ensure preparation of seniority list of Class-IV employees, after inviting objections from all eligible persons. After due consideration and adjudication of such objections/grievances, a final seniority list shall be published, for the purpose of effecting promotions against the vacancies earmarked for promotion from Class-IV to Class-III under the prescribed quota, within a period of three months and considering the



eligibility of all the eligible persons including these petitioners, would be submitting individual representation giving all details of their service profile along with supportive materials within a period of three weeks from today, whose cases along with the eligible persons, shall be placed before the District Establishment Committee, of their respective District for consideration of promotion, as per their eligibility, in accordance with law, once the exercise of preparation of seniority list is completed within the time line so fixed, and the District Establishment Committee, shall complete the process of consideration of promotion within a further period of two months, by following the reservation policy applicable in the matter of promotion, by giving appropriate representation to all the eligible persons, found entitled in law for such promotion, as per the recommendation made in their favour.

8. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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