

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.424 of 2025

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1. Jitendra Kumar S/o Late Ratneshwar Prasad Singh, R/o Market Complex, Ancillari Chowk Tupudana, Khuti Road Near Hanuman Mandir, P.S. Dhurwa, Disst- Ranchi at present residing at At and Post- Tuniyahi Uttarwari, P.S. and District- Madhepura.
 2. Bhola Kumar Das S/o Devlal Das, R/o Village- Durgapur, Ward No. 12, P.S. Raghapur, Dist- Supaul.

... .. 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 Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief, Public Health Engineering Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Public Health Engineering Department, Patna.
6. The Zonal Chief Engineer, Purnea Zone, Purnea.
7. The Superintending Engineer, Public Health Engineering Circle, Saharsa.
8. The Executive Engineer, Public Health, Division, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Respondent/s : Mr. Government Pleader (4)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-04-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

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

*I. To grant due promotions to the
petitioners i.e. 1st ACP with effect from
02.02.2005, 2nd MACP with effect from
02.02.2013 and 3rd MACP with effect from*



02.02.2023 in light of the letter no. 163 dated-08.01.2016 of the Finance Dept. Govt. of Bihar as well as in light of the ACP, Rule-2003 and MACP, Rule, 2008 with its arrears with statutory as well as penal interest for delayed payment.

II. And/or be pleased to grant the financial benefits after granting promotions even without passing the Departmental Exams in light of the order dated-28.06.2024 passed in CWJC No.18727 of 2017 (Kamlanand Thakur & Ors Vs. The State of Bihar & Ors) by the Hon'ble Full Bench of Hon'ble Patna High Court along with other analogous cases.

III. To make the service of the petitioners continue for all effects and purposes and for all consequential benefits specially for grant of three promotions after completion of 10,20&30 years of service with due dates and accordingly revise the salary.

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

3. Learned counsel for the petitioners submits that only the grievance of petitioner No. 1 has been settled, and the grievance of petitioner No. 2 is still not redressed.



4. Learned counsel for the State submits that the grievance of petitioner No. 2 could not be settled solely for the reason that the services of petitioner No. 2 have not been confirmed till date.

5. It transpires to this Court that petitioner No. 2 is an employee of the State, and the question of confirmation lies with the respondent.

6. In this view of the matter, petitioner No. 2 is hereby directed to file a fresh representation within 30 days from today before the concerned authority, and the authority shall pass an order with regard to confirmation as well as ACP of the petitioner No. 2 in accordance with law within 90 days thereafter.

(Dr. Anshuman, J.)

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