
(2005) 10 PAT CK 0003
In the Patna High Court
Case No : CWJC No. 10202 of 1993

Libin Minj and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 04-10-2005

Acts Referred:

Citation : (2006) 1 PLJR 105

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Rajiv Kumar Verma, for the Appellant; Alamdar Hussain, for the Respondent

Judgement

Narayan Roy, J.—Heard Mr. Rajiv Kumar Verma, learned counsel for the petitioners and Mr. Alamdar Hussain, learned SC VI. The petitioners are Class IV employees in Mufassil offices under Rajbhasha Department of the State Government. They are raising a grievance that certain percentage of Class III posts though are to be filled up from amongst the members of Class IV employees on the basis of a limited competitive examination, they are not being considered for those posts even though they are eligible.

2. Learned counsel for the petitioners, with reference to annexure-3, tried to impress upon the Court by saying that certain posts of Class III including those of clerks, Correspondence Clerks and Typists were kept reserved to be filled up by way of promotion from amongst Class IV employees and, therefore, the resolution of the State Government dated 16th September, 1992, as contained in annexure-3, would also be applicable in cases of the petitioners.

3. Mr. Hussain, learned SC VI, however, submitted that the resolution, as contained in annexure-3, governs the cases of Correspondence Clerks, Clerks Typists of the Secretariat level offices and Correspondence Clerks and Clerks of Mufassil offices and since the petitioners are working on Class IV post and a prayer has been made to appoint them on the post of Typists, no relief should be

granted to the writ petitioners.

4. From the tenor of the writ application it appears that the petitioners seek relief before this Court for their appointment on Class III post by way of promotion.

5. The resolution as contained in annexure-3, since deals with the cases of the employees of Mufassil offices, in my opinion, the petitioners deserve to be considered for promotion for certain percentage of posts of Class III.

6. At this stage, it is not known to the Court as to whether the petitioners are still working on Class IV posts and certain posts of Class III are lying vacant in Mufassil offices. In this view of the matter, it would not be appropriate for this Court to issue any positive direction to the respondents.

7. However, the petitioners, if so advised, may represent their matter before the Director, Rajbhasha Department, Bihar, Patna, respondent No. 3 to consider them for promotion to Class III post in the light of the resolution of the State Government, as referred to above, and in case any representation is filed by the petitioners before respondent No. 3, the same would be considered and disposed of in accordance with law, by speaking order within a period of three months from the date of filing of the representation. With this direction/observation, this writ application is disposed of.