

Petition

Date of Filing :-

Token No.

**IN THE HIGH COURT OF JUDICATURE  
AT PATNA**

NATURE OF CASE C.W.J.C No

2022

Bihar A Service Association

**PETITIONER/S  
APPELLANT/S**

**Versus**

Union of Teachers & Others  
The State of Bihar

**OPPOSITE PARTY/S  
RESPONDENTS/S**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
(CIVIL WRIT JURISDICTION)

C.W.J.C. No. \_\_\_\_ of 2022

Bihar Administrative Service Association through its

General Secretary and another .....Petitioners

Versus

Union of India and others .....Respondents

I N D E X

Subject:- Govt. Service-Others (Gazetted)

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IN THE HIGH COURT OF JUDICATURE AT PATNA  
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C.W.J.C. No. \_\_\_\_ of 2022

Bihar Administrative Service Association through its

General Secretary and another .....Petitioners

Versus

Union of India and others .....Respondents

**SYNOPSIS**

**Relief Prayed for:**

For issuance of a writ in the nature of MANDAMUS or any other appropriate writ/s, order/s, direction/s commanding the Respondents to fill up the 71 vacant posts against 93 sanctioned posts of Indian Administrative Service (for short "the IAS") cadre forthwith by promotion from amongst the substantive members of State Civil Service / Bihar Administrative Service (BAS); as per Rule 8(1) read with Rule 9(1) of the Indian Administrative Service (Recruitment) Rules, 1954 and further directing the Respondent Authorities to frame a proper and effective continuous mechanism in order to fill up the sanctioned post of IAS cadre from amongst the eligible members of BASA; which are lying vacant from time to time on regular basis as per the Service Rules, 1954 and further be pleased to direct the respondents to prepare an ad-hoc list of eligible BASA officers to be used by the Selection Committee for promotion to the Indian Administrative Service cadre every year.

For any other relief/s to which the petitioners are found entitled under the facts and circumstances of the present case.

**Relevant date with brief facts:**

28.1.2021: Notification published in the Gazette of India as per which total numbers of sanctioned post for IAS which is to be filled up through promotion under Rule 8 of the IAS (Recruitment) Rules 1954 is 109 including the service persons from State Civil Services. Out of 109

## II

sanctioned posts meant for promotion 16 posts of IAS cadre are to be filled up by promotion from the service persons from Non State Civil Service and 93 posts by promoting the service persons from State Civil Service/BAS. (Annexure-1)

: As a matter of fact it would be relevant to juxtapose the meager situation of the State of Bihar to that of Uttar Pradesh. In the State of Uttar Pradesh out of 163 sanctioned promotional posts for IAS from the member of State Civil Service no post is lying vacant. Even today there are total numbers of 168 members from State Civil Services who have been promoted to IAS cadre. (Annexure-2)

21.01.2020 :- Being aggrieved by the discriminatory situation and inaction on the part of the respondents about the procedure and filling up the vacant posts of IAS cadre from the State Civil Service/BAS, the petitioner no-2 being the President of Bihar Administrative Service Association (for short "the association") had filed a representation dated 21.01.2020 to the Hon'ble Chief Minister, Bihar with a request to adopt a regular and speedy procedure of promotion of State Civil Service Officers to the cadre of IAS so as to expedite the matter at once and all the vacancies should be filled up at the earliest. (Annexure-3)

: That on account of lack of proper mechanism for preparing the ad-hoc list of the Service Persons from State Civil Service/BAS; for being considered for promotion to the cadre of IAS under Rule 8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955, if some persons are promoted at the fag end of their career it would not serve the purpose for which the provision was made. The eligible service persons from State Civil Services/BAS quota to be promoted to IAS cadre under Rule 8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955 are being discriminated and they are deprived of numerous benefits i.e. seniority, higher pay scale and retiral benefits etc.



Filed through:

*Abhay Shanker Singh*  
(Abhay Shanker Singh, Adv) 06/04/2022

A.O.R. No.01994

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
(CIVIL WRIT JURISDICTION)

C.W.J.C. No. \_\_\_\_\_ of 2022

In the matter of an application under  
Article 226 of the Constitution of  
India ;

And

In the matter of:-

1. Bihar Administrative Service Association through its General Secretary Sri Anil Kumar, aged about 56 years, Male, son of Late Raja Ram Singh, having its office at BASA Bhawan, North of Income Tax Golamber, J.L. Nehru Marg, Patna.
2. Shashank Shekhar Sinha, aged about 58 years, Male, son of Late Hari Narayan Prasad, Gyan Bhawan, West Anandpuri, Boring Canal Road, Patna

.....*Petitioners*

**Versus**

1. Union of India through the Secretary, Department of Personnel and Training, Govt. of India, New Delhi.
2. Union Public Service Commission (UPSC) through its Secretary, Dhaultpur House, New Delhi.
3. The Chairman, Union Public Service Commission, Dhaultpur House, New Delhi.

4. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
5. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
6. Bihar Public Service Commission (BPSC) through its Secretary at BPSC Bhawan, J.L. Nehru Marg, Patna-1
7. The Chairman, Bihar Public Service Commission (BPSC), BPSC Bhawan, J.L. Nehru Marg, Patna-1.

..... Respondents

To,

Hon'ble Mr. Justice Sanjay Karol, the Chief Justice of the High Court of Judicature at Patna and His Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the Petitioners above named.

**MOST RESPECTFULLY SHEWETH:-**

1. That the Petitioners beseech indulgence of this Hon'ble High Court for the following relief/s:
  - A). For issuance of a writ in the nature of MANDAMUS or any other appropriate writ/s, order/s, direction/s commanding the Respondents to fill up the 71 vacant posts against 93 sanctioned posts of Indian Administrative Service (for short "the IAS") cadre forthwith by promotion from amongst the substantive members of State Civil Service / Bihar Administrative Service Association (BASA); as per Rule 8(1) read with Rule 9(1) of the Indian Administrative Service (Recruitment) Rules, 1954 and further directing the Respondent Authorities to frame a proper and

effective continuous mechanism in order to fill up the sanctioned post of IAS cadre from amongst the eligible members of BASA: which are lying vacant from time to time on regular basis as per the Service Rules, 1954 and further be pleased to direct the respondents to prepare an ad-hoc list of eligible BASA officers to be used by the Selection Committee for promotion to the Indian Administrative Service cadre every year.

- B) For any other relief/s to which the petitioners are found entitled under the facts and circumstances of the present case.
2. That the substantial questions of law involved in the case are as follows:
- i. Whether the Respondent Authorities are under obligation to promote the persons from State Civil Services to Indian Administrative Service as per the mandate of Rule-8 (1) of the IAS (Recruitment) Rules, 1954 ?
  - ii. Whether the Respondents are under statutory obligation to act upon Rule-8 (1) of the IAS (Recruitment) Rules, 1954?
  - iii. Whether the action of the Respondents in not promoting the service persons from State Civil Services (BAS) to the IAS cadre as per mandate of Rule-8 (1) of the IAS (Recruitment) Rules, 1954 is arbitrary, unjust, unfair and unreasonable?
  - iv. Whether the Respondents are duty bound to fulfill their statutory duty towards the right of all the eligible members of Petitioner no-1 Association (BASA); including that of Petitioner no-2; who are now at the verge of their retirement from service without being considered for promotion to IAS cadre for which they were eligible long back after completion of eight years of



- continuous service as per Rule 5(2) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 (for short "The Service Regulations 1955")?
- v. Whether not promoting the eligible service persons from State Civil Services (BAS) to the IAS after completion of eight years of continuous service amounts to violation of statutory rights as well as fundamental rights conferred upon the petitioners?
- vi. Whether action of the Respondents in promoting only 22 service persons from State Civil Service (BAS) against 93 sanctioned posts to IAS in said category is not as per the service law jurisprudence?
- vii. Whether non-consideration of the eligible officers of BAS for promotion to IAS cadre under Rule 8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955 is gross violation of their statutory rights?
- viii. Whether the statutory right conferred upon the members of Petitioner no-1 association; including the petitioner no-2, to be considered for promotion in IAS cadre under Rule 8(1) of the Service (Recruitment) Rules, 1954 read with Rule 5 of the Service (Appointment by Promotion) Regulation cast a co-relative duty upon the Respondent Authorities towards enforcement of the same?
- ix. Whether recruitment of 39<sup>th</sup> batch of Non State Civil Service to IAS cadre while keeping the 34<sup>th</sup> batch of State Civil Service/ BAS in the rank of deputy collector itself amounts to sub-ordination and reduction in rank?

- x. Whether the Respondents are under statutory obligation to frame a proper and effective mechanism for promotion of All eligible service persons from State Civil Services (BAS) to the IAS cadre on regular basis?
  - xi. Whether keeping 93 posts of IAS cadre meant for promotion from State Civil Service/BAS as vacant, despite eligibility and fulfillment of all norms vis-a-vis the factum of only 8 posts of similar promotional category in IPS cadre lying vacant against 73 sanctioned meant for promotion from state Police Service amounts to hostile discrimination by the Respondents?
  - xii. Whether the action of the Respondents amounts to violation of Doctrine of Legitimate Expectation?
  - xiii. Whether action/inaction of the respondents is violative of the rights conferred under Article-14, 16 and 21 of the Constitution of India?
  - xiv. Whether action/inaction of the respondents smacks malafide besides being arbitrary, unjust, unfair and unreasonable?
3. That it is stated that the Petitioner no-1 is a recognised Association of Bihar State Administrative Service Officers having Registration No. 663/2003 under the Societies Registration Act, 1860 and is a legal entity; which can sue and can be sued through its General Secretary. This writ petition is being filed through its General Secretary in representative capacity because the issue raised herein affects all the eligible members of the petitioner no-1 Association including the petitioner no-2, who himself is a senior officer of BAS and having completed more than 29 years of unblemished service career in State Civil Service is inter alia most eligible for

consideration to the cadre of IAS by way of promotion under Rule 8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955

4. That it is pertinent to mention here that as per the provisions contained in Rule 8(1) read with Rule 9(1) of the Indian Administrative Service (Recruitment) Rules, 1954 the eligible members of the Petitioner no-1 association including the petitioner no-2 had acquired a right to be considered for being promoted to the cadre of IAS after completion of their 8 years in continuous service on the post of Deputy Collector in the state civil service/BAS. The relevant provision of said Rule 8(1) and 9(1) of the Indian Administrative Service (Recruitment) Rules, 1954 are being reproduced herewith for the convenience:

**“ 8. Requirement by promotion or selection for appointment to State and Joint Cadre:** (1) *The Central Government may, on the recommendations of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Governments and the Commission, from time to time, make, recruit to the Service persons by promotion from amongst the 23 (Substantive) members of a State Civil Service.*”

**“ 9. Number of Persons to be recruited under rule-8**

*9(1) The number of persons recruited under rule-8 in any State or group of States shall not, at any time exceed 33 1/3 percent of the number of senior posts under the State Government, Central Deputation Reserve, State Deputation Reserve and Training Reserve in relation to that State or to the group of States, in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955.*

*Provided that the number of persons recruited under sub-rule(2) of*

*the rule-8 shall not at any time exceed fifteen percent of the number of persons recruited under rule-8.*

*Explanation: For the purpose of calculation of the posts under this sub-rule, fractions, if any, are to be ignored."*

5. That as per the notification dated 28.01.2021 published in the Gazette of India total numbers of sanctioned post for IAS which is to be filled up through promotion under Rule 8 of the IAS (Recruitment) Rules 1954 is 109 including the service persons from State Civil Services. Out of 109 sanctioned posts meant for promotion 16 posts of IAS cadre are to be filled up by promotion from the service persons from Non State Civil Service and 93 posts by promoting the service persons from State Civil Service/BAS.

A true copy of the notification dated 28.01.2021 published in the Gazette of India is annexed herewith marked as **Annexure-1.**

6. That eligibility criteria for a member of State Civil Services to be considered for promotion to the rank of IAS cadre as per Rule 5 (2) of the Service Regulation, 1955 is that he is substantive in the State Civil Service and has completed eight years of continuous service (whether officiating or substantive) on the post of Deputy Collector.
7. That there are large number of persons who have completed more than eight years of continuous service in Bihar State Civil Service in the cadre of Deputy Collector. Many of them including the petitioner no-2 have completed more than 25 years in the continuous service. They acquired a statutory right to be considered for promotion in the cadre of IAS under Rule 8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS

(Appointment by Promotion) Regulation, 1955 but the Respondents didn't pay any attention towards them.

8. That it is very surprising out of 16 sanctioned posts for Non State Civil Service to IAS only 5 posts are lying vacant, while out of 93 sanctioned posts for the members of State Civil Services 71 are lying vacant. It clearly shows the prejudicial and whimsical approach of the Respondent Authorities towards the petitioners.
9. That it would be pertinent to mention it here that as per Rule-9 of Indian Police Service (Recruitment) Rules, 1954 total sanctioned promotional posts for Indian Police Services cadre (for short "IPS") from Bihar Police Service are 73 and out of which only eight are lying vacant and at a same time out of 93 sanctioned posts of IAS for Bihar Administrative Service 71 posts are lying vacant. The same shows a gross case of hostile discrimination.
10. That as a matter of fact it would be relevant to juxtapose the meager situation of the State of Bihar to that of Uttar Pradesh. In the State of Uttar Pradesh out of 163 sanctioned promotional posts for IAS from the member of State Civil Service no post is lying vacant. Even today there are total numbers of 168 members from State Civil Services who have been promoted to IAS cadre.

A true copy of the letter showing the strength of IAS promotional post in the State of Uttar Pradesh is annexed as **Annexure-2.**

11. That being aggrieved by the discriminatory situation and inaction on the part of the respondents about the procedure and filling up the vacant posts of IAS cadre from the State Civil Service/BAS, the petitioner no-2 being the President of Bihar Administrative Service Association (for short "the association") had filed a representation dated 21.01.2020 to the Hon'ble Chief Minister,

Bihar with a request to adopt a regular and speedy procedure of induction of State Civil Service Officers to the cadre of IAS so as to expedite the matter at once and all the vacancies should be filled up at the earliest.

A true copy of the representation dated 21.01.2020 is annexed herewith as **Annexure-3**.

12. That despite the fact that the representation as contained in Annexure-3 to the Petition was given and on numerous occasions the President and General Secretary of the Association (BASA) met with the concerned authorities for filling up the sanctioned posts of IAS cadre from the service persons from State Civil Service but the authorities are neither paying any heed upon it nor taking any steps towards filling up the vacancies.
13. That despite the fact that there are large number of service persons being members of the Association (Petitioner no.-1) fulfilling all the eligibility criteria to be recruited for IAS cadre from State Civil Services quota it is very surprising/worrying/alarming situation that the sanctioned posts for IAS cadre in the State like Bihar where there is a need of adequate number of efficient persons to be recruited for better administration of justice and to maintain law and order are lying vacant.
14. That on account of lack of proper mechanism for preparing the ad-hoc list of the Service Persons from State Civil Service/BAS; for being considered for promotion to the cadre of IAS under Rule 8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955, if some persons are promoted at the fag end of their career it would not serve the purpose for which the provision was made. The eligible service persons from State Civil Services/BAS quota to be promoted to IAS cadre under Rule 8(1) of the IAS (Recruitment) Rules, 1954

read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955 are being discriminated and they are deprived of numerous benefits i.e. seniority, higher pay scale and retiral benefits etc.

15. That the Respondents have completely failed to perform their statutory duty conferred upon them under Rule 8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955 and have failed to fill up the sanctioned posts of IAS cadre from the quota of State Civil Services/BAS on proper time though the mandate is to prepare a list of such suitable officers from the members of State Civil Service every year .
16. That though the Respondents are duty bound to work under statute and as per the rule of law but they are acting in a whimsical and capricious manner as 39<sup>th</sup> batch of Non State Civil Service have already been promoted to the rank of IAS cadre while 34<sup>th</sup> batch of State Civil Service are still looking for their chance to be considered for promotion to the IAS cadre, which is quite illogical and discriminatory.
17. That the action of the Respondents in promoting the service persons from Bihar Police Service to the cadre of IPS is almost full and out of 65 only 8 posts are lying vacant while out of 93 sanctioned posts for IAS cadre from State Civil Service quota, 71 posts are lying vacant which besides being a gross case of hostile discrimination is also violative of the statute and further infringes the fundamental rights conferred under Article-14 and 16 of the Constitution of India.
18. That the action/inaction of the respondents in not considering the eligible members of the Petitioner no-1 association on proper time for being promoted to the IAS cadre under Rule

8(1) of the IAS (Recruitment) Rules, 1954 read with Rule 5 of the IAS (Appointment by Promotion) Regulation, 1955 is unjust, unfair and arbitrary. The continuous inaction of the respondents by leaving the sanctioned posts lying vacant is a gross case of arbitrariness besides being unjust unfair and unreasonable.

19. That the action of the Respondents beside being unjust and arbitrary smacks malafide and is also violative of the Doctrine of Legitimate Expectation.
20. That the Petitioners have got no other alternative equally efficacious remedy than to move before this Hon.ble Court by way of filing this writ petition for redressal of their long due grievances.
21. That the Petitioners have not filed any such application before the Hon'ble High Court earlier for the relief/s prayed for herein or for redressal of the grievances mentioned in Para No. - 1 of this writ application.

It is therefore prayed that your Lordships may graciously be pleased to issue Rule NISI, asking the respondents to show cause as to why the relief/s prayed in para-1 of this writ petition may not be granted and after cause shown, if any and hearing the parties the Rule may be made absolute against the Respondents.

And/Or

Pass such other order / orders as your lordships may deem fit and proper in the facts and circumstances of the case.

**AND FOR THIS, THE PETITIONERS SHALL EVER PRAY.**







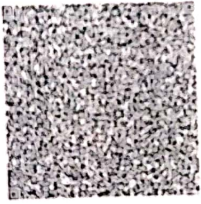





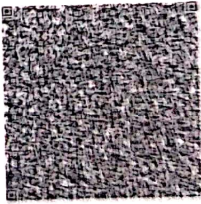
AFFIDAVIT

I, Anil kumar aged about 56 Years, (Male), son of Late Er. Raja Ram Singh, resident of Village-Sareyan Basnat, P.O – Rampur Kesho Annour P.S.– Taraiyan District –Saran, do hereby solemnly state and affirm as follows: -

1. That I am <sup>General</sup> Secretary of the Petitioner <sup>No-1</sup> Association in this case and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this writ petition have been drafted under my instructions and I have read the contents thereof which I have fully understood.
3. That it is stated that the averments made under Para .3, 7p, 11p, 12p and 21 ..... are true to the best of my knowledge and under Para 4, 5, 6, 7p, 8, 9, 10, 11p, 12p, 13p, 14, 15, 16p and 17p are true to best of my information and the rest are by way of submission before the Hon'ble Court.
4. That the annexure/annexures are true copy of the original's copy.

Anil Kumar

महाराष्ट्र  
राज्य प्रशासनिक सेवा संघ  
दिल्ली, २०२१

  <p><b>भारत सरकार</b> <b>Government of India</b></p>	  <p><b>सूचना</b></p> <ul style="list-style-type: none"> <li>■ आधार पहचान का प्रमाण है, नागरिकता का नहीं।</li> <li>■ सुरक्षित QR कोड / ऑफलाइन XML / ऑनलाइन ऑथेंटिकेशन से पहचान प्रमाणित करें।</li> <li>■ यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।</li> </ul>
<p><b>भारतीय विशिष्ट पहचान प्राधिकरण</b> <b>Unique Identification Authority of India</b></p> <p>नामांकन क्रम/ Enrolment No.: 1424/23125/01013</p> <p>Download Date: 21/01/2014</p> <p>To अनिल कुमार Anil Kumar S/O Rajaram Singh Sareyan Basant Rampur Kesho Amnour Saran Bihar - 841401 9431409463</p> <p>Signature Not Verified Date: 21/01/2014 Time: 14:15:14</p>  <p>आपका आधार क्रमांक / Your Aadhaar No. : <b>5467 9360 6394</b> VID : 9109 8362 7099 7352</p> <p><b>मेरा आधार, मेरी पहचान</b></p>	<p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>■ Aadhaar is a proof of identity, not of citizenship.</li> <li>■ Verify identity using Secure QR Code/ Offline XML/ Online Authentication.</li> <li>■ This is electronically generated letter.</li> </ul> <div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> <li>■ आधार देश भर में मान्य है।</li> <li>■ आधार कई सरकारी और गैर सरकारी सेवाओं को पाना आसान बनाता है।</li> <li>■ आधार में मोबाइल नंबर और ईमेल ID अपडेट रखें।</li> <li>■ आधार को अपने स्मार्ट फोन पर रखें, mAadhaar App के साथ।</li> </ul> </div> <ul style="list-style-type: none"> <li>■ Aadhaar is valid throughout the country.</li> <li>■ Aadhaar helps you avail various Government and non-Government services easily.</li> <li>■ Keep your mobile number &amp; email ID updated in Aadhaar.</li> <li>■ Carry Aadhaar in your smart phone – use mAadhaar App.</li> </ul>
  <p><b>भारत सरकार</b> <b>Government of India</b></p> <p>अनिल कुमार Anil Kumar जन्म तिथि/DOB: 21/12/1965 पुरुष/ MALE</p> <p>Download Date: 21/01/2014</p> <p>Issue Date: 21/08/2014</p>  <p><b>5467 9360 6394</b> VID : 9109 8362 7099 7352</p> <p><b>मेरा आधार, मेरी पहचान</b></p>	  <p><b>भारतीय विशिष्ट पहचान प्राधिकरण</b> <b>Unique Identification Authority of India</b></p> <p>पता: संबन्धित: राजराम सिंह, सरेया बसंत, रामपुर केशो, सरन, बिहार - 841401</p> <p>Address: S/O: Rajaram Singh, Sareyan Basant, Rampur Kesho, Saran, Bihar - 841401</p>  <p><b>5467 9360 6394</b> VID : 9109 8362 7099 7352</p> <p>1947   help@uidai.gov.in   www.uidai.gov.in</p>

Anil Kumar

व्यक्तिगत  
संरक्षण प्रमाणित सेवा संघ  
विभाग, पटना

  
सत्यमेव जयते

# भारत का राजपत्र

## The Gazette of India

सी.जी.-डी.एल.-अ.-28012021-224753  
CG-DL-E-28012021-224753

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 41]  
No. 41]

नई दिल्ली, बृहस्पतिवार, जनवरी 28, 2021/माघ 8, 1942  
NEW DELHI, THURSDAY, JANUARY 28, 2021/MAGHA 8, 1942

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 28 जनवरी, 2021

सा.का.नि. 50(अ).—भारतीय प्रशासनिक सेवा (संवर्ग) नियमावली, 1954 के नियम 4 के उप-नियम (1) और (2) के साथ पठित अखिल भारतीय सेवाएं अधिनियम, 1951 (1951 का 61) को धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार बिहार सरकार के परामर्श से भारतीय प्रशासनिक सेवा (संवर्ग पदसंख्या का नियतन) विनियमावली, 1955 में आगे और संशोधन करने के लिए एतद्वारा निम्नलिखित विनियम बनाती है, अर्थात् :-

1. (1) इन विनियमों को भारतीय प्रशासनिक सेवा (संवर्ग पदसंख्या का नियतन) संशोधन विनियमावली, 2021 कहा जा सकेगा।
- (2) ये विनियम शासकीय राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2. भारतीय प्रशासनिक सेवा (संवर्ग पदसंख्या का नियतन) विनियमावली, 1955 में, अनुसूची में, "बिहार" शीर्षक तथा उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, नामतः:-

## बिहार

राज्य सरकार के अधीन वरिष्ठ झूटी पद	195
मुख्य सचिव	1
अध्यक्ष, राजस्व बोर्ड	1
विकास आयुक्त	1
अपर मुख्य सचिव	3
प्रधान सचिव (वित्त)	1
प्रधान सचिव (गृह)	1
प्रधान सचिव, सतर्कता विभाग	1
प्रधान सचिव, जन संसाधन	1
प्रधान सचिव, राजस्व एवं भूमि सुधार	1
प्रधान सचिव, उद्योग	1
प्रधान सचिव, शिक्षा विभाग	1
प्रधान सचिव, निर्वाचन विभाग-सह-मुख्य निर्वाचन अधिकारी, बिहार	1
प्रधान सचिव, पथ निर्माण विभाग	1
महानिदेशक, बिहार लोक प्रशासन एवं ग्रामीण विकास संस्थान, पटना	1
प्रधान आवासीय आयुक्त, बिहार भवन, नई दिल्ली	1
मुख्यमंत्री के प्रधान सचिव	1
प्रधान सचिव, सामान्य प्रशासनिक विभाग	1
प्रधान सचिव, स्वास्थ्य विभाग	1
मुख्य जांच आयुक्त, सामान्य प्रशासनिक विभाग	1
राज्यपाल के प्रधान सचिव	1
प्रधान सचिव	8
सरकार के सचिव	23
सचिव, आपदा प्रबंधन विभाग	1
सचिव, संसदीय कार्य विभाग	1
सचिव, कृषि विभाग	1
आवासीय आयुक्त, बिहार भवन, नई दिल्ली	1
सदस्य, राजस्व बोर्ड	1
राज्यपाल के सचिव	1
मुख्यमंत्री के सचिव	1

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	सचिव, खाद्य एवं उपभोक्ता संरक्षण विभाग	1
	सचिव, ऊर्जा विभाग	1
	संभागीय आयुक्त	9
	सचिव, विज्ञान एवं प्रौद्योगिकी विभाग	1
	सचिव, भवन निर्माण विभाग	1
	सचिव, पीएचई विभाग	1
	सचिव, पंजीयन, उत्पाद एवं मद्य निषेध विभाग	1
	सचिव, मंत्रिमण्डल सचिवालय विभाग	1
	विशेष/अपर/संयुक्त/उप सचिव	53
	जिला मजिस्ट्रेट एवं कलेक्टर/अपर जिला मजिस्ट्रेट	38
	पंजीयक, सहकारी समितियां	1
	सचिव, राजस्व बोर्ड	1
	राज्य परिवहन आयुक्त	1
	श्रम आयुक्त	1
	गन्ना आयुक्त	1
	मुख्य कार्यकारी अधिकारी सह नगरपालिका आयुक्त, पटना नगर निगम	1
	आयुक्त, मनरेगा	1
	आईजी, पंजीयन	1
	निदेशक	19
	आईजी, जेल और सुधारक सेवाएं	1
1	कुल बरिष्ठ झूटी पद	195
2	केन्द्रीय प्रतिनियुक्ति रिजर्व उपर्युक्त मद 1 के 40 प्रतिशत से अधिक नहीं	78
3	राज्य प्रतिनियुक्ति रिजर्व उपर्युक्त मद 1 के 25 प्रतिशत से अधिक नहीं	48
4	प्रशिक्षण रिजर्व उपर्युक्त मद 1 के 3.5 प्रतिशत से अधिक नहीं	6
5	छुट्टी रिजर्व और कनिष्ठ पद रिजर्व उपर्युक्त मद 1 के 16.5 प्रतिशत से अधिक नहीं	32
6	भारतीय प्रशासनिक सेवा (भर्ती) नियमावली, 1954 के नियम 8 के अधीन, पदोन्नति द्वारा भरे जाने वाले पद उपर्युक्त मद 1, 2, 3 और 4 के 33 1/3 प्रतिशत से अधिक नहीं	109
7	सीधी भर्ती द्वारा भरे जाने वाले पद (1+2+3+4+5-6)	250
	कुल प्राधिकृत संख्या	359*

[फ़ा. सं. 11031/02/2019-अ.भा.से.-II (क)]

संदीप कुमार सिन्हा, अवर सचिव

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टिप्पणी (1): इस अधिसूचना के जारी होने से पूर्व, बिहार के भारतीय प्रशासनिक सेवा संवर्ग की कुल प्राधिकृत पद संख्या 342 थी।

टिप्पणी (2): मुख्य विनियम दिनांक 22.10.1955 की एस आर ओ सं. 3350 के तहत भारत के राजपत्र में प्रकाशित किए गए थे और तत्पश्चात, इन्हें बिहार संवर्ग के भारतीय प्रशासनिक सेवा संबंध में निम्नलिखित सा.का.नि. संख्याओं तथा तारीखों द्वारा संशोधित किए गए थे:

क्र.सं.		सा.का.नि. सं.		दिनांक	क्र.सं.
1	3059	12.12.56	11	342(अ)	29.03.94
2	481	30.04.60	12	319(अ)	31.03.95
3	1147	14.08.65	13	739(अ)	31.12.97
4	349	16.03.67	14	209	31.10.98
5	375(अ)	26.08.71	15	429	18.12.04
6	60(अ)	31.01.75	16	170(अ)	02.03.07
7	649(अ)	27.11.79	17	279(अ)	10.04.07
8	106	02.02.85	18	898(अ)	30.12.2008
9	1007	31.12.88	19.	188(अ)	24.03.2009
10	393	30.06.90	20.	46(अ)	22.01.2014

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 28th January, 2021

G.S.R. 50(E).—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), read with sub-rules (1) and (2) of rule 4 of the Indian Administrative Service (Cadre) Rules, 1954, the Central Government, in consultation with the Government of Bihar, hereby makes the following regulations further to amend the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955, namely:—

1. (1) These Regulations may be called the Indian Administrative Service (Fixation of Cadre Strength) Amendment Regulations, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955, in the Schedule, for the heading "Bihar" and the entries relating thereto, the following shall be substituted namely:—

"Bihar

		195
	Senior Duty Posts under the State Government	195
	Chief Secretary	1
	Chairman-cum-Member, Board of Revenue	1
	Development Commissioner	1
	Additional Chief Secretary	3

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IG, Prisons & Correctional Services		1
1	Total Senior Duty Posts	195
2	Central Deputation Reserve not exceeding 40% of Item 1 above	78
3	State Deputation Reserve not exceeding 25% of Item 1 above	48
4	Training Reserve not exceeding 3.5% of Item 1 above	6
5	Leave Reserve and Junior Posts Reserve not exceeding 16.5% of Item 1 above	32
6	Posts to be filled by promotion under Rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 not exceeding 33 1/3% of Item 1, 2, 3 & 4 above	109
7	Posts to be filled up by Direct Recruitment (Items 1+2+3+4+5-6)	250
Total Authorised Strength		359

[F. No. 11031/02/2019-AIS-II(A)]

SANDEEP KUMAR SINHA, Under Secy.

**Note 1:** Prior to the issue of this notification, the Total Authorized Strength of Bihar IAS Cadre was 342.

**Note 2:** The principal Regulations were published in the Gazette of India *vide* SRO No. 3350, dated 22.10.1955. Subsequently, they were amended in respect of the Bihar Cadre of Indian Administrative Service *vide* following G.S.R. numbers and dates:-

Sl.No.	GSR Nos.	DATE	Sl.No.	GSR Nos.	DATE
1	3059	12.12.56	11	342(E)	29.03.94
2	481	30.04.60	12	319(E)	31.03.95
3	1147	14.08.65	13	739(E)	31.12.97
4	349	16.03.67	14	209	31.10.98
5	375(E)	26.08.71	15	429	18.12.04
6	60(E)	31.01.75	16	170(E)	02.03.07
7	649(E)	27.11.79	17	279(E)	10.04.07
8	106	02.02.85	18	898(E)	30.12.2008
9	1007	31.12.88	19.	188(E)	24.03.2009
10	393	30.06.90	20.	46(E)	22.01.2014

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Principal Secretary (Finance)	1
Principal Secretary (Home)	1
Principal Secretary, Vigilance Department	1
Principal Secretary, Water Resources	1
Principal Secretary, Revenue & Land Reforms	1
Principal Secretary, Industry	1
Principal Secretary, Education Department	1
Principal Secretary, Election Department-cum-Chief Electoral Officer, Bihar	1
Principal Secretary, Road Construction Department	1
Director General, Bihar Institute of Public Administration & Rural Development, Patna	1
Principal Resident Commissioner, Bihar Bhawan, New Delhi	1
Principal Secretary to Chief Minister	1
Principal Secretary, General Administrative Department	1
Principal Secretary, Health Department	1
Chief Enquiry Commissioner, General Administrative Department	1
Principal Secretary to Governor	1
Principal Secretary	8
Secretary to Government	23
Secretary, Disaster Management Department	1
Secretary, Parliament Affairs Department	1
Secretary, Agriculture Department	1
Resident Commissioner, Bihar Bhawan, New Delhi	1
Member, Board of Revenue	1
Secretary to Governor	1
Secretary to Chief Minister	1
Secretary, Food & Consumer Protection Department	1
Secretary, Energy Department	1
Divisional Commissioner	9
Secretary, Science & Technology Department	1
Secretary, Building Construction Department	1
Secretary, PHE Department	1
Secretary, Registration, Excise & Prohibition Department	1
Secretary, Cabinet Secretariat Department	1
Special/Additional/Joint/Deputy Secretary	53
District Magistrate & Collector/Addl.D.M	38
Registrar, Cooperative Societies	1
Secretary, Board of Revenue	1
State Transport Commissioner	1
Labour Commissioner	1
Sugar Cane Commissioner	1
CEO cum Municipal Commissioner, Patna Municipal Corporation	1
Commissioner, MNREGA	1
IG, Registration	1
Directors	19



**INDIAN ADMINISTRATIVE SERVICE CADRE OF UTTAR PRADESH**

The strength of the Indian Administrative Service as fixed by the Government of India, Department of Personnel and Training notifications No. 11031/21/79-A, Date July 24, 1980; 11031/21/97-A.I.S. (II), Dated March 16, 1981 and August 3, 1981; No. 11031/29/86-A.I.S.(II)-A, Dated December 20, 1983; No. 11031/29/86-A.I.S.(II)-A, Dated December 8, 1987; No. 28062/1/87-A.I.S.-A(II), Dated February 26, 1988; No. 11031/91-A.I.S.-A(II)-A, Dated Nov. 5, 1992; G.S.R. No. 739 (E) Dated December 31, 1997; No. 11031/4/97-A.I.S. (II) Dated April 30, 1998; No. 11031/4/2000-A.I.S. (II)-A, Dated October 21, 2000, No. 11031/5/2003-A.I.S. (II)-B Dated August 25, 2005

<b>I. Senior Posts under the State Government</b>		<b>290</b>		
Chief Secretary	1		Additional/Joint Labour Commissioner	1
Chairman, Board of Revenue & Adviser, Land Reforms	1		Additional/Joint Director of Industries	2
Chairman, Administrative Tribunal and Chairman, Vigilance Commission	1		Additional Registrar, Cooperative Societies	2
Member, Board of Revenue			Additional Commissioner, Rural Development	1
Director General, Training	2		Additional/Joint Sales Tax Commissioner	1
Divisional Commissioners (Agra, Varanasi, Meerut, Lucknow Allahabad, Kanpur)	6		Director, Panchayats	1
Principal Secretary to the Government	10		Director, Information	1
Resident Commissioner, New Delhi	1		Director, Training & Employment	1
Agriculture Production Commissioner	1		Director, Social Welfare	1
Industrial Development Commissioner	1		Secretary, Public Service Commission	1
Social Welfare Commissioner	1		Director, Urban Land Ceiling	1
Principal Secretary to Governor	1		Relief Commissioner	1
Principal Secretary to Chief Minister	1		Director, Local Bodies	1
Director General, State Institute of Rural Development	1		Regional Food Controller	2
Divisional Commissioners	11		Director (Administration), Medical Health & Family Welfare	1
Secretary to Government	34		Additional Registrar, Cooperative Societies	1
Secretary to Chief Minister	2		Deputy Land Reforms Commissioner	1
Sales Taxes Commissioner	1		Director, Bureau of Public Enterprises and Joint/Special Secretary to Government	1
Commissioner of Rural Development	1		Director (Administration), SGPGI	1
Transport Commissioner	1		Additional Director, Administrative Training Institute	1
Registrar, Cooperative Societies	1		Additional Resident Commissioner	1
Director, Administrative Training Institute	1			
Director of Industries	1			
Excise Commissioner	1			
Director, Handlooms	1			
Excise Commissioner	1			
Secretary, Board of Revenue	1			
Inspector General of Prisons to be redesignated as Director General, Prisons	1			
Director, Tourism to be redesignated as Director General, Tourism	1			
Labour Commissioner	1			
Chairman Administrative Tribunal II	1			
Member (Judicial) Board of Revenue	2			
Commissioner, Food	1			
Entertainment Tax Commissioner	1			
Inspector General Registration & Stamps	1			
Commissioner for Consolidation	1			
Principal Staff Officer to Chief Secretary	1			
Director, Culture	1			
Joint Magistrates	70			
Project Development Commissioner/CDO/Additional/Joint Special Administrator, Area Development	14			
Principal Secretary to Government	54			
Joint Secretary to Government	30			

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2.	Central Deputation Reserve @ 40% of Item I above	116
3.	State Deputation Reserve @ 25% of Item 1 above	73
4.	Training Reserve @ 3.5 % of Item 1 above	10
5.	Posts to be filled by promotion and selection under Rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 not exceeding 33 1/3% of Item 1,2,3 and 4 above)	163
6.	Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	48
7.	Posts to be filled up by direct recruitment (Item 1+2+3+4+6-5)	374
Direct Recruitment Posts		374
Promotion Posts		163
<b>TOTAL AUTHORISED STRENGTH</b>		<b>537</b>

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## PAY OF INDIAN ADMINISTRATIVE SERVICE OFFICERS

Years of Service	Basic Pay from April 1, 1960		Year of Service	Basic Pay from Jan 1, 1973		Year of Service	Basic Pay from Jan 1, 1986		Year of Service	Basic Pay from Jan 1, 1996	
	Junior	Senior		Junior	Senior		Junior	Senior		Junior	Senior
	2	3		5	6		8	9		11	12
	400	900	1 <sup>st</sup>	700		1 <sup>st</sup>	2200	3200	1 <sup>st</sup>	8000	10650
	400	900	2 <sup>nd</sup>	740		2 <sup>nd</sup>	2275	3200	2 <sup>nd</sup>	8275	10975
	500	900	3 <sup>rd</sup>	780		3 <sup>rd</sup>	2350	3200	3 <sup>rd</sup>	8550	11300
	540	900	4 <sup>th</sup>	820		4 <sup>th</sup>	2425	3200	4 <sup>th</sup>	8825	11625
	580	900	5 <sup>th</sup>	860		5 <sup>th</sup>	2500	3300	5 <sup>th</sup>	9100	11950
	620	900	6 <sup>th</sup>	900		6 <sup>th</sup>	2575	3400	6 <sup>th</sup>	9375	12275
	660	950		efficiency bar		7 <sup>th</sup>	2650	3500	7 <sup>th</sup>	9650	12600
	700	1000	7 <sup>th</sup>	940	1250	8 <sup>th</sup>	2725	3600	8 <sup>th</sup>	9925	12925
	efficiency bar		8 <sup>th</sup>	980	1300		2800	3700			
	730	1060	9 <sup>th</sup>	1020	1360	9 <sup>th</sup>	efficiency bar		9 <sup>th</sup>	10200	13250
	760	1120	10 <sup>th</sup>	1060	1420	10 <sup>th</sup>	2900	3825	10 <sup>th</sup>	10475	13575
	790	1180	11 <sup>th</sup>	1100	1480	11 <sup>th</sup>	3000	3950	11 <sup>th</sup>	10750	13900
	820	1240	12 <sup>th</sup>	1150	1540	12 <sup>th</sup>	3100	4075	12 <sup>th</sup>	11025	14225
	850	1300	13 <sup>th</sup>	1200	1600	13 <sup>th</sup>	3200	2400	13 <sup>th</sup>	11300	14550
				efficiency bar							
	880	1360	14 <sup>th</sup>	1250	1660	14 <sup>th</sup>	3300	4325	14 <sup>th</sup>	11575	14875
	910	1420	15 <sup>th</sup>	1300	1720	15 <sup>th</sup>	3400	4450	15 <sup>th</sup>	11850	15200
	940	1480	16 <sup>th</sup>	1300	1780	16 <sup>th</sup>	3500	4575	16 <sup>th</sup>	12125	15525
	970	1540	17 <sup>th</sup>	1300	1840	17 <sup>th</sup>	3600	4700	17 <sup>th</sup>	12400	15850
	1000	1600	18 <sup>th</sup>	1300	1900	18 <sup>th</sup>	3700	*	18 <sup>th</sup>	12675	
	*	1650	19 <sup>th</sup>	*	*	19 <sup>th</sup>	3800	*	19 <sup>th</sup>	12950	
	*	1700	and over	1300	2000	20 <sup>th</sup>	3900	*	20 <sup>th</sup>	13225	
	*	1750				21 <sup>th</sup>	4000	*	21 <sup>th</sup>	13500	
	*	1800									

Administrative Grade (functional)		Selection Grade			
Completing 9 years of service		1.1.86	1.1.96	1.1.86	1.1.96
1 <sup>st</sup>	Year of service	3950	12750	4800	15100
2 <sup>nd</sup>	Year of service	4075	13125	4950	15500
3 <sup>rd</sup>	Year of service	4200	13500	5100	15900
4 <sup>th</sup>	Year of service	4352	13875	5250	16300
5 <sup>th</sup>	Year of service	4450	14250	5400	16700
6 <sup>th</sup>	Year of service	4575	14652	5550	17100
7 <sup>th</sup>	Year of service	4700	15000	5700	17500
8 <sup>th</sup>	Year of service	4850	15375		17900
9 <sup>th</sup>	Year of service	5000	15750		18300
10 <sup>th</sup>	Year of service		16125		
11 <sup>th</sup>	Year of service		16500		

on Grade (from 1.3.70)  
00-100-2000

Posts Carrying Pay in super-Time Scale and above with effect from 01-01-1996

Chief Secretary	Rs-26,000
Chairman, Board of Revenue & Adviser, Land Reforms	Rs-26,000
Chairman, Administrative Tribunal and Chairman, Vigilance Commission	Rs-26,000
Member, Board of Revenue	
Director General, Training	Rs-26,000
Divisional Commissioners (Agra, Varanasi, Meerut, Lucknow, Allahabad, Kanpur)	Rs-26,000
Principal Secretary to the Government	Rs-22400-525-24500
Resident Commissioner, New Delhi	Rs-22400-525-24500
Agriculture Production Commissioner	Rs-22400-525-24500
Industrial Development Commissioner	Rs-22400-525-24500
Social Welfare Commissioner	Rs-22400-525-24500
Principal Secretary to Governor	Rs-22400-525-24500
Principal Secretary to Chief Minister	Rs-22400-525-24500
Director General, State Institute of Rural Development	Rs-22400-525-24500
Divisional Commissioners	Rs-18400-500-22500
Secretary to Government	Rs-18400-500-22500
Secretary to Chief Minister	Rs-18400-500-22500
Sales Taxes Commissioner	Rs-18400-500-22500
Commissioner of Rural Development	Rs-18400-500-22500
Transport Commissioner	Rs-18400-500-22500
Registrar, Cooperative Societies	Rs-18400-500-22500
Director, Administrative Training Institute	Rs-18400-500-22500
Director of Industries	Rs-18400-500-22500
Excise Commissioner	Rs-18400-500-22500
Director, Handlooms	Rs-18400-500-22500
Cane Commissioner	Rs-18400-500-22500
Secretary, Board of Revenue	Rs-18400-500-22500
Inspector General of Prisons to be redesignated as Director General Prisons	Rs-18400-500-22500
Director, Tourism to be redesignated as Director General, Tourism	Rs-18400-500-22500
Labour Commissioner	Rs-18400-500-22500
Chairman Administrative Tribunal II	Rs-18400-500-22500
Member (Judicial) Board of Revenue	Rs-18400-500-22500
Commissioner, Food	Rs-18400-500-22500
Entertainment Tax Commissioner	Rs-18400-500-22500
Inspector General of Registration & Stamps	Rs-18400-500-22500
Commissioner for Consolidation	Rs-18400-500-22500
Principal Staff Officer to Chief Secretary	Rs-18400-500-22500
Director, Culture	Rs-18400-500-22500

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# POST CARRYING SPECIAL ALLOWANCE

Sl.	Post	Scale of Pay	Special Pay per Mensem w.e.f. 1-1-86	Remarks
1	2	3	4	5
1.	Special Secretary to Government	Senior-Time-Scale		
2.	Secretary Public Service Commission	Ditto	1,000/-	
3.	Relief Commissioner-cum-Special/Joint Secretary to Government	Ditto	1,000/-	
4.	Special Officer to Agriculture Production and Ex-officio Special/Joint Secretary to Government	Ditto	1,000/900	
5.	Director, Planning, Research and Action Division and Director, Evaluation and Training Division-cum-Special/Joint Secretary to Government	Ditto	1,000/900	
6.	Director, Information and Special/Joint Secretary	Ditto	1,000/900	
7.	Joint Secretary to Government	Ditto	900/-	
8.	Additional/Joint Director, National Saving-cum Special/Joint Secretary to Government	Ditto	1,000/900	
9.	Additional/Deputy Commissioner, Food and Civil Supplies-cum-Special/Joint Secretary to Government	Ditto	1,000/900	
10.	Director, Bureau of Public Enterprise-cum-Special/ Special/ Joint Secretary to Government	Ditto	1,000/900	
11.	Director, Panchayat	Ditto	800/-	
12.	Director, Training & Employment	Ditto	800/-	
13.	Director, Social Welfare	Ditto	800/-	
14.	Magistrate and Collector, Lucknow & Kanpur City	Ditto	800/-	Rs. 75 Compensatory Allowance
15.	Magistrate and Collector, Agra, Allahabad, Bareilly, Gorakhpur, Meerut, Varanasi, Moradabad and Aligarh	Ditto	800/-	Rs. 75 Compensatory Allowance
16.	Director, Local Bodies	Ditto	800/-	
17.	Administrator, Command Area Development (In Senior/Selection Grade)	Ditto	800/-	
18.	Staff Officer to Chief Secretary-cum-Joint Secy to Govt. and Director, Revenue Intelligence	Ditto	1,000/-	
19.	Entertainment Tax Commissioner	Ditto	800/-	
20.	Director (Admn.) Medicl, Health & Family Welfare	Ditto	800/-	
21.	Additional/Joint Director of Industries	Ditto	600/-	
22.	Additional/Joint Labour Commissioner	Ditto	600/-	
23.	Additional Registrar, Co-operative Societies	Ditto	600/-	
24.	Additional/Joint Sales Tax Commissioner	Ditto	600/-	
25.	Joint/Deputy Land Reforms Commissioner	Ditto	600/-	
26.	Deputy Land Reforms Commissioner	Ditto	600/-	



No	Description of the item	Qty	Rate
1	...	...	...
2	...	...	...
3	...	...	...
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...

# Bihar Administrative Service Association

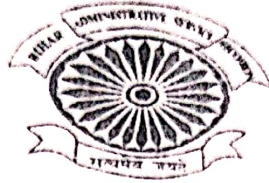
North of Income Tax Golambur, Netro Marg, Patna-1 800001

(Registration No. 833/2003)

Website: [basbihar.com](http://basbihar.com), E-mail: [infobas01@gmail.com](mailto:infobas01@gmail.com)

**Shashank Shekhar Sinha**  
President

Mob. No.- 9334118192



**Anil Kumar**  
General Secretary

Mob. No.- 9431409463

Memo No. \_\_\_\_\_

Date \_\_\_\_\_

Vice President

Md. Moezuddin

9304951990

Ajay Kumar

9835737317

Joint Secretary

Subodh Kumar

9979919465

Gopal Sharan

8210342042

Treasurer

Sunil Kumar Tiwary

9431085120

Joint Treasurer

Mona Jha

9430881025

To,

Hon'ble Chief Minister,  
Govt. of Bihar, Patna.

**Sub:-** Quashing of the General Administration Department, Bihar circular no.-4900 dated 02-04-2012 issued against the letter and spirit of IAS (Appointment by Selection) Regulations, 1997. Discontinuation of Promotion of Non-SCS to IAS through appointment by Selection and to accelerate the procedure to fill up the large vacancy of IAS by Promotion of SCS/BAS officer under Rule 8(1) of IAS (Recruitment) Rules 1954.

Sir,

With reference to the above mentioned different subjects, firstly, we would like to draw your kind attention towards the rule 8 of IAS (Recruitment) Rule, 1954 which deals with the provision of recruitment of IAS by Promotion or Selection for appointment to State and Joint Cadre. This rule was framed immediately after Independence in 1954 when many states of India didn't have the sufficient number of State Civil Service Officers. As a stop gap arrangement to meet the short-fall of requisite number of directly recruited IAS officers, provision for appointment of IAS by selection was incorporated in IAS (Recruitment) Rule, 1954. It is more evident from the reading of the first line of rule 8(2) of the said rule which reads as- "*The Central Government may, in special circumstances and on the recommendation of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Governments and the Commission, from time to time, make, recruit to the Service any person of outstanding ability and merit serving in connection with the affairs of the State who is not a member of the State Civil Service or that State (but who holds a gazetted post in a substantive capacity).*"

# Bihar Administrative Service Association

North, Saran, Jay Golam, Nabin, Saran, Patna-800001

Registration No. 64/21/199

Website: basabihar.com, E-mail: id:istabhat@gmail.com

**Shashank Shekhar Sinha**  
President

Mob. No.- 9334118192



**Anil Kumar**  
General Secretary  
Mob. No.- 9431409463

**-Vice President**

Md. Moezuddin  
9304951990

Ajay Kumar  
9835737317

**Joint Secretary**

Subodh Kumar  
7979919465

Deepal Sharan  
8210342042

**Treasurer**

Sonu Kumar Tiwary  
9431085120

**Joint Treasurer**

Mona Bha  
9430881025

Memo No.

Date

2.The word "may" used in the said rule itself explains the intention of law maker explicitly that it is not mandatory and it can be used when special circumstances arises. In other words, when eligible SCS officers are available for promotion to IAS, this provision of recruitment of IAS by Selection should not be used.

3.The prevailing formula of promotion to IAS officer and present cadre strength of IAS are as follows:

(a) (Total Strength of IAS in State-Number of Training Reserve)\*33.33%  
Promotional post of IAS (Say "x")

(b) 15% of "x" Non-SCS officer under special circumstances and if any exigency arises, may be promoted to IAS.

Present Status of IAS in Bihar	Cadre strength	Present Strength	Vacancy	Year of Last batch inducted into IAS U/R 8(1)/8 (2) through Promotion/Selection
Total Strength Of IAS	342	N.A.	N.A.	-
Direct Recruitment	228	N.A.	N.A.	-
Through Promotion	104	40	64	-
Through Promotion to BAS(SCS)	89	26	63	1989(34 <sup>th</sup> Batch)
Through Selection to Non SCS	15	14	01	1996(39 <sup>th</sup> Batch)



# Bihar Administrative Service Association

North of Patna, I.T. Colony, Patna 800007

Registration No. 6947234

Website: www.biharadmin.com, E-mail: bsa@biharadmin.com

**Shashank Shekhar Sinha**  
President

Mob. No.- 9334118192



**Anil Kumar**  
General Secretary

Mob. No.- 9431409463

Memo No.

Date

Vice President  
Md. Moezuddin  
9304951990

Vijay Kumar  
9835737317

Joint Secretary  
Surodh Kumar  
7579519465

Deepal Sharan  
9420342042

Treasurer  
S. K. Karan Tiwari  
9421085120

Joint Treasurer  
Mona Jha  
9430881025

4. This was a temporary provision which has become a regular feature in practice in Bihar. It is very clear that at present, there is neither any special circumstance nor there is any exigency to recruit officers through selection as the state administrative officers of outstanding merit and ability, having even more than 20 years of substantiveservice experienceis available in good numbers for promotion to IAS in Bihar.

5. Further, no standard mechanism has been evolved or prescribed for adjudging the outstanding merit and ability of a Non-State Civil Service Officer for being considered and selected for appointment to the IAS. Nonetheless to say that, it promotes use of discretion in the appointment which is the root cause of all kind of discrimination.

6. It is a known fact that BPSC prepares the list of successful candidates according to highest to lowest marks scored in the competitive examination and in general, the top rankers opt for Bihar Administrative Service. Then how, the Non-SCS Officer, lower in the merit list published by BPSC, becomes officer of extra ordinary and outstanding merit for appointment to IAS post on the basis of selection under rule 8(2) by state of Bihar.

7. It is for your kind information that many states like Haryana, Jharkhand, Uttar Pradesh and other states have discontinued the process of the appointment of Non-SCS officer to IAS by selection in recent years.

8. Bihar Administrative Service Association further would like to draw your kind attention towards the spirit of statutory provision of the IAS (Appointment by Selection) Regulations, 1997 rule 4(1) (iii) which deals with the qualifying minimum length of service for officers to be appointed as IAS through Selection. It requires minimum 8 years of continuous service

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# Bihar Administrative Service Association

NOTICE OF THE ASSOCIATION OF BANGALORE, Karnataka, India. (2000-01)

Website: www.bihar-administrative-service-association.org

**Shashank Shekhar Sinha**  
President

Mob. No.- 9334118192



**Anil Kumar**  
General Secretary

Mob. No.- 9431409463

**Vice President**  
M. Moezuddin  
9304951990

**Ajay Kumar**  
9835737317

**Joint Secretary**  
Subodh Kumar  
7979919469

**Gopal Sharan**  
9210342042

**Treasurer**  
S. K. Kumar (Surya)  
9431085120

**Joint Treasurer**  
Mona Jha  
9430881025

under the state government in any post which has been declared equivalent to the post of Deputy Collector in the State Civil Service. In Bihar, a resolution was adopted by Government in 2001 under the said rule which mandated eight years of service after one promotion of Non-SCS officers as minimum length of service for eligibility under rule 8(2). However in 2012, this resolution has been modified against the spirit of the aforesaid rule without any rhyme or reason in the garb of compliance of the court order. The present resolution no. 1/c dated 24.2.12 (GAD/Bihar) Photo Copy is annexed. It is defective in nature (discriminatory, biased, unconstitutional) against the letter and spirit of the original provisions of the said rule. It has been designed to bestow favors on non SCS officers, hence resolution is liable to be quashed ab initio.

9. This leads to another point of serious and grave concern concerning hierarchical issues as much junior Non-SCS officers getting inducted into IAS much earlier in comparison to the SCS officers. It is pertinent to note that currently SCS officers of 1989 batch have been inducted into IAS cadre whereas at the same year non-SCS officers of 1996 batch got inducted to IAS by selection.

10. It is surprising to note that present number of non-SCS officers promoted to IAS by selection has been surprisingly saturated, while 63 posts of IAS to be filled by promotion from SCS, are lying vacant despite availability of sufficient numbers of SCS/BAS officers.

11. It is also notable that Promotion to IPS post by selection of Non-SPS officers have almost been discontinued in India.

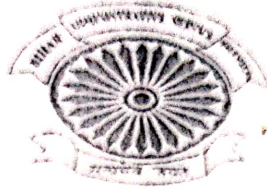
12. Therefore, in light of the above discussion Bihar Administrative Service Association demands for the

# Bihar Administrative Service Association

North Eastern Zone, Golamukha, P.O. & P.S. Barh, Patna District  
Bihar Administrative Service Association  
Members: 15,000 (approx.)

**Shashank Shekhar Sinha**  
President

Mob. No.- 9334118192



**Anil Kumar**  
General Secretary  
Mob. No.- 9431409465

**Vice President**

**Md Moezuddin**  
9302951990

**Ajay Kumar**  
9835737317

**Joint Secretary**  
**Sushil Kumar**  
9379919465

**Gopal Sharan**  
9310342541

**Treasurer**  
**Sudh Kumar Tiwary**  
9431085120

**Joint Treasurer**  
**Mona Jha**  
9330881025

- (a) immediate quashing of the General Administration Department Bihar circular no. 1900 dated 02-04-2012.
- (b) discontinuation of promotion of Non-SCS officer into IAS, as large numbers of BAS SCS officers are available for promotion to IAS as being done in states like Uttar Pradesh, Haryana and other states of India.
- (c) the procedure of induction of SCS officers to IAS by Promotion should be expedited at once and all the vacancies should be filled at the earliest.

Yours faithfully

Encl - a a

Sd/-  
(Anil Kumar)

Sd/-  
(Shashank Shekhar Sinha)

Memo No. - ..... Date - .....  
CC:- Chief Secretary, Bihar, Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna for information and necessary action.

Sd/-  
(Anil Kumar)

Sd/-  
(Shashank Shekhar Sinha)

Memo No. - ..... Date - .....  
CC:- Chairman, Union Public Service Commission, Dhautpur House - UPSC Bhawan, New Delhi for information and necessary action.

Sd/-  
(Anil Kumar)

Sd/-  
(Shashank Shekhar Sinha)

Memo No. - ..... Date - .....  
CC:- Secretary, Department of Personnel and Training, Govt. of India, New Delhi for information and necessary action.

Sd/-  
(Anil Kumar)

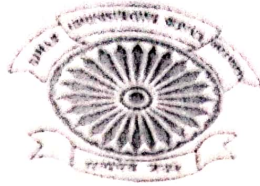
Sd/-  
(Shashank Shekhar Sinha)

31

# Bihar Administrative Service Association

**Shashank Shekhar Sinha**  
President

Mob. No.- 9334118192



**Anil Kumar**  
General Secretary

Mob. No.- 9431409463

**Vice President**

**Abd. Moezzuddin**  
9304951990

**Anil Kumar**  
9835737317

**Joint Secretary**  
**Subodh Kumar**  
7979919465

**Gopal Sharan**  
8210342047

**Treasurer**  
**Sunil Kumar Tiwary**  
9431385120

**Joint Treasurer**  
**Mona Jha**  
9430881025

Memo No. - ..... Date- .....  
CC:- Secretary General, All India Federation of State Civil Service  
Association, New Delhi for information and necessary action.  
Sd/- Sd/-  
(Anil Kumar) (Shashank Shekhar Sinha)

Memo No - 10 Date- 21.01.2020  
CC:- To all Editor of Hindi and English News Paper, Bihar for circulation as  
press release.

(Shashank Shekhar Sinha)

बिहार सरकार  
सामान्य प्रशासन विभाग

32

संकल्प

2-4-12

विषय:- भारतीय प्रशासनिक सेवा (चयन द्वारा नियुक्ति) विनियम, 1997 के अन्तर्गत  
शेर-राज्य भारतीय सेवा के पदों को उपरामाहता के पद की समकक्षता  
संबंधी अधिष्ठापना के संबंध में।

माननीय कैंट. (पाटना पीठ), संघी द्वारा ओ०ए० संख्या-221/01 तथा  
माननीय उच्च न्यायालय, पाटना द्वारा सी०डब्ल्यू०जे०सी० संख्या 10616/2010 में  
पारित आदेश में विषयगत विभागीय संकल्प संख्या-2178 दिनांक 21.04.2001 को  
निरस्त किये जाने के आलोक में उक्त विभागीय संकल्प को निम्न प्रकार से संशोधित  
किया जाता है:-

1. उक्त संकल्प की कंडिका-1 के द्वितीय पारा में अंकित

'बिहार वन सेवा', 'बिहार आरक्षी सेवा' एवं 'राज्य प्रशासनिक सेवा' से भिन्न  
अन्य राज्य सेवाओं एवं संवर्गों के 10,000-15,200/- रूपए के वेतनमान तथा उच्चतर  
वेतनमान वाले पदों पर कार्यरत पदाधिकारियों के कर्तव्य तथा दायित्वों को देखते हुए  
इन वेतनमान के पदों को भारतीय प्रशासनिक सेवा (चयन द्वारा नियुक्ति) विनियम, 1997  
की धारा-4 के उद्देश्यार्थ राज्य शिपिल सेवा के उपरामाहता के समकक्ष घोषित किया  
जाए। इस वेतनमान वाले पदों एवं इससे उच्चतर वेतनमान वाले पदों पर कुल मिलाकर  
कम-से-कम आठ वर्षों की सेवा होने के उपरान्त ही संबंधित पदाधिकारी इस विनियम  
के अन्तर्गत भारतीय प्रशासनिक सेवा में चयन द्वारा नियुक्त होने के विचार क्षेत्र में आ  
सकते हैं।

के स्थान पर

'बिहार वन सेवा', 'बिहार आरक्षी सेवा' एवं 'राज्य प्रशासनिक सेवा' से भिन्न  
अन्य राज्य सेवाओं एवं संवर्गों के 8,000-13,500/- रूपये का अपुनरीक्षित वेतनमान  
(पुनरीक्षित वेतनमान पे० ग्रेड-3, रू० 15,600 - 39,100। ग्रेड पे०-रू० 5,400/-) तथा  
उच्चतर वेतनमान के पदों को भारतीय प्रशासनिक सेवा (चयन द्वारा नियुक्ति) विनियम,  
1997 की धारा-4 के उद्देश्यार्थ राज्य शिपिल सेवा के उपरामाहता के पदों के समकक्ष  
घोषित किया जाय। इस वेतनमान वाले पदों एवं इससे उच्चतर वेतनमान वाले पदों पर  
कुल मिलाकर कम-से-कम आठ वर्षों की सेवा होने के उपरान्त ही संबंधित पदाधिकारी  
इस विनियम के अन्तर्गत भारतीय प्रशासनिक सेवा में चयन द्वारा नियुक्त होने पर विचार  
क्षेत्र में आ सकते हैं।

2 यह निर्णय तात्कालिक प्रभाव से लागू माना जायेगा।

आदेश:-

आदेश है कि सब-साधारण की जायकारी के लिए इसे पत्राचार में प्रकाशित किया जाय एवं इसकी प्रति सभी संबंधित को उपलब्ध कराया जाय।

33

बिहार राज्यपाल के आदेश से,

ह०/-

(आनन्द बिहारी प्रसाद)

सरकार के संयुक्त सचिव

ज्ञापक : 1/सी०-1019/2011 (खंड-1)-सा०प्र०-

/पटना, दिनांक

प्रतिलिपि-अधीक्षक, ई गजट कोषांग, वित्त विभाग, बिहार, पटना को संकल्प की को प्रति एवं तत्संबंधी सी०डी० के साथ राजपत्र के असाधारण अंक में प्रकाशनार्थ तथा इसकी 500 (पांच सौ) भुदित प्रतियों सामान्य प्रशासन विभाग, बिहार, पटना (प्रशाखा-1) को उपलब्ध कराने हेतु प्रेषित।

ह०/-

सरकार के संयुक्त सचिव

ज्ञापक : 1/सी०-1019/2011 (खंड-1)-सा०प्र०-4900 /पटना, दिनांक: 24.12.

प्रतिलिपि-राज्यपाल के प्रधान सचिव/सरकार के सभी विभाग/सभी विभागान्यक्ष/विकास आयुक्त/सदस्य, राज्य पर्वद/सभी प्रमंडलीय आयुक्त/सभी जिला पदाधिकारी/सामान्य प्रशासन विभाग के सभी पदाधिकारियों/प्रशाखाओं को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

सरकार के संयुक्त सचिव