

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

**Civil Writ Jurisdiction Case No.5342 of 2015**

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1. Sudhir Kumar S/o Shri Arjun Thakur R/o vill & P.O. Sundarpur, P.s. Sakara, Dist. Muzaffarpur Presently Posted at Prakhanda Shikshak, Rajkiya Adarsh Middle School, Afjalpur, Purania, Patepur, Distt. Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Education Department Bihar, Patna.
3. The District Education Officer, Vaishali at Hajipur.
4. The District Programme Officer Establishment Vaishali at Hajipur
5. The Block Education Extension Officer, Patepur, Vaishali.
6. The Drawing Disbursing Officer Patepur, Vaishali.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Shankar Das

For the Respondent/s : Smt. Namrata Mishra- GA13

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 29-04-2015**

Claim for promotion by the petitioner as graduate trained teacher cannot be decided in isolation. There is 2012 Rule, which lays down the procedure as well as the eligibility including preparation of a gradation list of seniority based on which such promotions would be required to be given.

The petitioner seems to be over excited with the fact that he has managed to acquire a graduate degree, which is BCA from a distance learning university, therefore, he feels that he is more competent than others and is required to be given promotion even without exercise being done.

Such exuberance on the part of the petitioner is appreciated so far as filing of the writ application is concerned but cannot be certified to be correct with regard to grant of relief or direction to the respondents to give him a benefit in isolation. Writ application is dismissed. Claim of the petitioner will be considered when the exercise will be done by the authorities in accordance with said Rule.

Personal appearance of the District Programme Officer (Establishment), Vaishali stands dispensed with.

**(Ajay Kumar Tripathi, J)**

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