

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9794 of 2008

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Narendra Prasad Pandey, S/o Late Ram Parikshan Pandey, resident of Village and Post Office Harpur Rewari, P.S. Angar Ghat, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Primary and Adult Education, Bihar, Vikash Bhawan, Patna
2. The Deputy Secretary of Government, Department of Secondary, Primary and Adult Education, Bihar, Patna
3. The Director (Administration), Department of Secondary, Primary and Adult Education, Bihar, Patna
4. The Director, Primary Education, Bihar, Patna
5. The District Superintendent of Education, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karn

For the Respondent/s : Mr. Nadim Seraj, GP 20

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-08-2015

When the petitioner filed the writ application for grant of promotion in the cadre of Bihar Education Service class II, in response thereto the respondent authorities especially respondent no.3, Director, Administration, Education Department has taken a plea that the said benefit has already been granted to the petitioner along with large number of other similarly situated persons vide notification no.1479 dated 3rd of October, 2007. A copy of the said notification is Annexure- A.

Counsel for the petitioner thereafter submits that the petitioner is not aware of such a notification and even if he has

become aware after filing of the counter affidavit, he has not derived any kind of benefit by virtue of the said promotion order. Petitioner is a retired and old person. Therefore, the time has come when the respondent authorities must take a decision on his entitlement flowing from the promotion order as well as the benefits thereof.

If an application is filed by the petitioner with a copy of this order before the Director, Secondary Education, it is obligatory upon him to work out the benefit to which the petitioner is entitled to on the basis of the notification mentioned above and communicate the outcome thereof within a period of three months of filing of such an application.

The period already indicated above must be adhered to. It is made clear that if decision is required to be taken by any other authority, it must be obtained by the said Director in question. If the benefit has already accrued to the petitioner, the matter is allowed to rest.

Writ is disposed of in terms of the above direction.

(Ajay Kumar Tripathi, J)

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