

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1728 of 2015

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1. Sheo Saran Prasad Chauhan Son of Late Ram Lakhan Chauhan , Resident of Village - Bastipur, P.O. Manikpur, P.S. Indrapur, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary, Revenue, Bihar, Patna.
2. The Finance Secretary, Bihar, Patna
3. The Director General, Bihar, Military Police, Bihar Patna
4. The Commandant, B.M.P. 2 Dehri, Rohtas.
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surender Prasad Singh, Adv.

For the Respondent/s : Mr. SC21- Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-12-2016

The controversy in the present writ application is with regard to the grant of second time bound promotion to the petitioner and re-fixation of his pension after grant of second time bound promotion.

2. The contention of the petitioner is that the second time bound promotion has illegally been denied to him on the ground that he had not passed the departmental examination. He has contended that for grant of time bound promotion, passing of departmental examination is not necessary.

3. Per contra, learned counsel for the State has submitted that the issue raised in the present writ application is no more *res*

integra. In the ***State of Bihar Vs. Kusheshwar Nath Pandey [2013(1) PLJR 939]***, a Division Bench of this Court has categorically held that passing of the accounts examination is a condition precedent for promotion to a higher post or promotion to higher grade under the time bound promotion scheme.

4. I have heard learned counsel for the parties and perused the record.

5. I find substance in the contention of the learned counsel for the State. Since admittedly the petitioner has not passed the departmental examination, in view of the ratio laid down by this Court in the ***State of Bihar Vs. Kusheshwar Nath Pandey*** (Supra), the relief prayed for in the present writ application cannot be granted.

6. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01-12-2016
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