

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11102 of 2011

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Murari Ram S/o Late Parmeshwar Ram resident of Village- Khurdkol,
P.O.-Kaushalpur, P.S.- Amarpur, Distt.- Banka

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Of Social Welfare Bihar, Secretariat, Patna
2. The Assistant Director Social Security Disabled Directorate, Social Welfare Department, Bihar, Patna
3. The Assistant Director District Social Security Cell, Collectorate, Bhagalpur
4. The Headmaster Government Dumb And Deaf Residential Middle School, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

13 20-07-2016 Heard Sri Ashok Kumar Singh, learned counsel for the
petitioner and learned AC to SC -30.

The petitioner , has invoked the writ jurisdiction of this court under Article 226 of the Constitution of India, with a prayer to direct the respondents to promote him in Class ‘C’ Clerk Cadre on the basis of seniority.

It is case of the petitioner that he was appointed as *night guard* in the year 1985 and thereafter he got ‘Madhyama’ Certificate which is equivalent to Matriculation in the year 1988. Learned counsel for the petitioner by way of referring to Annexure – ‘1’ to the writ petition i.e. a government resolution

dated 31.3.2011 submits that since the petitioner is an employee of group 'Gha' and he is having requisite qualification i.e. 'Madhyama' equivalent to Matriculation he is entitled to be promoted against Class III post. However, it is not a case of the petitioner that any person junior to the petitioner has been promoted from Class IV post to Class III post. It is settled law that one may not claim promotion as a matter of right and as such no writ can be issued for directing for promotion. Had it been a case of ignoring petitioner's case and accommodating any person junior to the petitioner this court would have interfered.

However, after some argument, learned counsel for the petitioner makes a prayer for disposal of the present writ petition so that petitioner may approach the authority concerned.

The prayer is allowed.

The writ petition stands disposed of with liberty as indicated above.

(Rakesh Kumar, J)

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