

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12161 of 2013

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1. Nalin Kumar Shukla S/o Shri Ramnandan Shukla R/o at P.O. - Jalalpur, P.S. - Lal Ganj, District – Vaishali.
 2. Abhay Kumar Ray S/o Late Arun Kumar R/o at P.O. and P.S. Senduari, District – Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. The Director, Secondary Education, Govt. of Bihar, New Secretariat, Patna
3. The Regional Deputy Director Education, Tirhut Division, Muzaffarpur
4. The District Magistrate, Vaishali
5. The District Education Officer, Vaishali
6. The District Program Officer (Establishment), Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Pishore Poddar, Adv.

For the Respondent/s : Mr. R.V. Pd. Singh, AC to GA-XII

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 09-09-2016 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, petitioners are claiming promotion from class-IV to class-III post, on the basis of the Circular of the Government of Bihar dated 31st March 2011, which provides, the class-IV employees will be promoted on the basis of seniority without facing any examination, but in the counter affidavit, the plea has been taken that the case of the petitioner cannot be taken into consideration on account of letter No. 11218 dated 12.08.2014 thereby the departmental promotion has been stayed

till further order. The counsel for the petitioner submits that this letter was challenged in C.W.J.C. No. 16366 of 2015 and this Court has found that there is no legal basis to keep the Circular of 2011 in abeyance and accordingly, directed for consideration of promotion from class-IV to class-III post and in pursuance thereof, the Government has issued the Notification, vide letter No. 11/AA. NI-03/2016 Sa. Pra. 488 Patna-15, dated 01.04.2006, thereby the Resolution dated 31.03.2011 has been revived.

In such view of the matter, let the respondent consider the case of the petitioner for promotion from class-VI to class-III post.

For the convenience, the petitioner should file a proper representation before the competent authority, who will examine the case of petitioner and take decision within a period of four months from the date of filing of the representation.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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