

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23493 of 2013

Binod Kumar Singh, S/o Chandradeo Pd. Singh, resident of village- Anand Nagar Gobarsahi, P.S.-Sadar Bhagwanpur, District-Muzaffarpur, presently posted as an Assistant teacher at Upgraded Middle School, Barmatpur Mushahari, District-Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer-cum-Chairman of District Education Establishment Committee, Muzaffarpur.
5. The District Programme Officer (Establishment), Muzaffarpur.

.... Respondents

Appearance :

For the Petitioner/s : Mr. SHASHI BHUSHAN SINGH

For the Respondent/s : Mr. PRASHANT PRATAP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-08-2016

Heard learned counsel for the petitioner and the learned counsel for the State.

In the present case, the petitioner has raised a grievance that though he fulfills all the qualifications for promotion to the post of Headmaster of the Middle School, but he has been deprived from promotion only on the ground that his degree of M.A. has not been properly verified from the University as well as from the Vigilance.

In the counter affidavit, the State has disputed his



entitlement and stated that the degree of the M.A. of the petitioner was sent to the B. N. Mandal University, Madhepura, for verification and the B. N. Mandal University has given its report in positive and found that he has cleared the examination of M.A. from the B. N. Mandal University but submitted that the matter is pending before the Vigilance for its report, which has not been received till date.

Learned counsel for the petitioner submits that the persons who are in the panel along with the petitioner have been promoted to the next cadre but the petitioner has wrongly been deprived of the benefit.

When the University Authority has already verified the M.A. Certificate of the petitioner but the Vigilance has sat tight over the matter on that account the petitioner has not been given the benefit. The State should take a step to get the report from the Vigilance regarding verification of the certificates, but that cannot be a ground to keep a person hanging without fruitful result.

As the State is not in a position to show that the degree which is the basis for the promotion is illegal or forged document. In such circumstances, the petitioner cannot be deprived of promotion to the post of Headmaster of the Middle School.

Looking to the facts and circumstances, the stand taken

by the State, let the matter of petitioner be placed before the Departmental Promotion Committee in its first meeting and the Departmental Promotion Committee should take a decision expeditiously on the first date of its meeting in accordance with law.

The District Programme Officer will also take into consideration that certain persons who are in the panel were earlier promoted. If the District Programme Officer arrives to a positive conclusion in favour of the petitioner, it goes without saying that the State should take necessary steps for granting the promotion to the petitioner from the due date.

The District Programme Officer is directed that the entire proceeding should be completed within three months.

Accordingly, this application is disposed of with above observations and directions.

(Shivaji Pandey, J)

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