

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8723 of 2014

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1. Rajesh Kumar Son of Shatrughan Sharma resident of Village - Harpura, P.S. - Bikram, District - Patna, Bihar, at present Civil Court, at Biharsharif, Nalanda.

2. Prem Kumar Son of Kameshwar Prasad resident of D/27Bank Mens Colony, Chitragupt Nagar, Patna - 20 at present Civil Court, Hilsa, Nalanda.

3. Om Prakash Son of Sri Indu Bhusan Prasad resident of village - Malbigha, P.O. - Kaliyachak, P.S. - Hilsa, Nalanda, at present Civil Court, Hilsa, Nalanda.

.... Petitioners

Versus

1. The State of Bihar

2. The Registrar, Patna High Court, Patna.

3. The District and Sessions Judge, Nalanda at Biharsharif.

4. The Registrar, Civil Court, Nalanda at Biharsharif.

5. Principal Secretary, General Administration Department, Bihar, Patna.

6. The Principal Secretary, Education Department, Bihar, Patna.

7. The Director, Department of Human Resources Development (Primary Education), Bihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Respondent/s : Mr. Sc21 Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 21-10-2016 Petitioners, who are Class IV employees in Civil Court, Nalanda, participated in an exercise for promotion to a Class III post. Despite petitioners being successful they have not been recommended for a Class III post on the ground that they have a Sahityalankar degree from Hindi Vidyapeeth, Deoghar.

The degree of Sahityalankar is not equivalent to graduation and therefore, the reason for rejection cannot be termed to be arbitrary or illegal. This position in law had already been settled by this Court in the case of Reeta Srivastava v. the State of

Bihar & ors., reported in 2012(3) PLJR 353.

In addition to that, corresponding amendment in the Rules has been brought about both at the level of Civil Court as well as High Court. Therefore, there is no obligation upon the respondent authorities to grant promotion to the employees from Class IV post to Class III post on an invalid piece of paper, known as Sahityalankar.

No relief can be granted in faovur of these petitioners in view of above. Writ is dismissed.

(Ajay Kumar Tripathi, J)

Surendra/-

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