

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15028 of 2013

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Santosh Pandey S/o Late Kameshwar Pandey, resident of village and P.O. - Dharupur, P.S. - Bikramganj, District - Rohtas at present working as Daftari, Tube Well Division Ara, District – Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Vikash Bhawan, Patna.
2. The Chief Engineer (South), Tube Well Wing, Sheikhpura, P.O. B.V. College, Patna – 14.
3. The Chief Engineer (North) Tube Well Wing, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Adv.
For the Respondent/s : Mr. Birju Prasad, GP-13
Mr. Amresh, Ravi Kumar, Ashok Kumar and
Krishna Murari Prasad, are AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-11-2016

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

In this case, the petitioner is claiming his appointment from class-IV to class-III post, as he does possess all the requisite qualifications, having a certificate of Diploma in Computer Application, mentioned in paragraph 5 of this petition, saying that it is a proper qualification for consideration of his promotion from class-IV to class-III post.

The exercise was done for appointment from class-IV to class-III post and the seniority list was prepared. As the petitioner had

not submitted his matriculation certificate, his name was not added in the list of seniority for the purposes of promotion from class IV to class-III post.

The counsel for the petitioner submits that the qualification of Diploma in Computer Application is sufficient for promotion from class IV to class-III post and the petitioner has wrongly been deprived of the same, as his name was not added in the seniority list.

In the counter affidavit, statement has been made by the State that the petitioner is holding the qualification of Diploma in Computer Application, but in the writ petition he has not mentioned about his matriculation.

The counsel for the petitioner submits that the qualification of Diploma in Computer Application cannot be obtained without getting the qualification of matriculation.

In such view of the matter, the petitioner is directed to file a proper application before the authority concerned. If such application is filed, the authority will examine the matter whether the qualification of Diploma in Computer Application is sufficient for consideration of his promotion from class-IV to class-III post and pass an order within a period three months from the date of filing of the application. While passing the order, the authority will examine the

Circular issued from time to time, including Annexures 1 and 6 to this writ petition.

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

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22/11/2016
Transmission Date	