

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.246 of 2014

In

Civil Writ Jurisdiction Case No.14833 of 2013

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Smt Malti Sinha, W/o Sri Nagendra Kumar Singh, resident of Village-Anjani,
P.S.-Sarai, District-Vaishali.

... .. Appellant-writ Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
2. The Secretary, Primary Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate-cum-Chairman, District Establishment Committee, Vaishali at Hajipur.
5. The District Superintendent of Education, Vaishali at Hajipur.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Shekhar Singh, Advocate Mr. Shantanu Kumar, Advocate
For the Respondents	:	Mr. Yogendra Pd. Sinha, AAG-7

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 03-11-2017

Heard counsel for the parties.

If the basic finding emerges both in the order of rejection by the authorities as well as the learned single Judge that no person junior to the present appellant has been granted the benefit of promotion on the I.A. trained or B.A. trained scale, then mere expectation or anticipation may not be of any help to the present appellant. That is the reason why the learned single Judge refused to interfere with the impugned order while dismissing the writ application on 06.08.2013.



However, the learned single Judge has given a leeway or a window of opportunity to the appellant by holding that if any person has been granted promotion prior to 29.09.2012 on the M.A. trained (Arts) teacher scale, the claim of the petitioner would be required to be considered. Since there is no material which has emerged that anything of that kind has happened after passing of the order by the learned single Judge, nothing is required to be done in the appeal.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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