

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.854 of 2014
IN
Civil Writ Jurisdiction Case No. 2457 of 2013**

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Chaturbhuj Choudhary son of Subalal Choudhary resident of village Bakhtiyarpur,
Mali Nagar, P.S. Chak Mehasi, District Samastipur

.... Appellant

Versus

1. The State of Bihar through the Secretary Department of Secondary Education, Patna
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna
3. The District Education Officer, Samastipur

.... Respondents

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Appearance :

For the Appellant : Mr. Sanjay Kumar Singh, Advocate

For the Respondent State: Mr. Prabhakar Jha, GP-27

Mr. Shankar Kr. Thakur, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 24-03-2017

Heard counsel for the appellant and counsel for the
State.

The writ application of the petitioner was disposed of
vide order dated 07.01.2014 by the learned single Judge, who refused
to give any direction for grant of promotion to the appellant on the
post of Headmaster with effect from 2007, i.e. the so-called date
when he became eligible.

The learned single Judge has categorically noted the
extract of the counter affidavit especially in paragraph 5 and 6 and
from the reading of the same it is evident that when the case of



promotion of the petitioner was taken up in the year 2006, the promotion was granted to the general category candidates whose serial number was 400. Petitioner stood much below at serial number 1034. Thereafter he superannuated on 31.08.2010. If the juniors have been granted promotion on 07.12.2010, the petitioner cannot make a grievance that after his retirement juniors have been granted promotion and this exercise should have been done and completed before his superannuation.

The order of the learned single Judge does not require to be interfered with. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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